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A COLLECTION

OF

THE ACTS

PASSED BY

THE GOVERNOR GENERAL OF INDIA IN COUNCIL

IN THE YEAR

1895.

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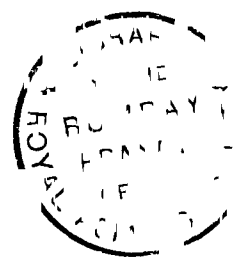

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TITLES OF ACTS

PASSED BY

THE GOVERNOR GENERAL OF INDIA IN COUNCIL

IN THE YEAR 1895.

I. An Act to amend the Presidency Small Cause Courts Act, 1882.

II. „ to amend the Burma Boundaries Act, 1880.

III. „ to amend the Indian Penal Code, Act VI of 1864 and the Indian Post-office Act, 1866.

IV. „ to amend sections 366 and 371 of the Code of Criminal Procedure, 1882.

V. „ to amend the Cantonments Act, 1889.

VI. „ to amend the Dekkhan Agriculturists' Relief Acts, 1879 to 1886.

VII. „ to amend certain sections of the Code of Civil Procedure and the Punjab Laws Act, 1872.

VIII. „ to amend Act V of 1861 (*an Act for the Regulation of Police*).

IX. „ to confer on Presidency Magistrates and District Magistrates certain powers and authorities in relation to the surrender of fugitive criminals.

X. „ to provide for the payment by Railway Companies registered under the Indian Companies Act, 1882, of interest out of capital during construction.

XI. „ to remove certain doubts as to the validity of certain proceedings and acts of certain officers of the Pegu and Tenasserim Divisions in Lower Burma and to prevent their being raised in the future.

XII. „ to give power to Companies to make certain alterations in the Instruments under which they are constituted, and to amend the Indian Companies Act, 1882.

XIII. „ to amend sections 632 and 652 of the Code of Civil Procedure.

XIV. „ to make better provision for the regulation of Pilgrim Ships.

XV. „ to explain the Transfer of Property Act, 1882, so far as relates to grants from the Crown, and to remove certain doubts as to the powers of the Crown in relation to such grants.

XVI. An Act to repeal certain obsolete Enactments and to amend certain other Enactments.

XVII. „ to validate certain marriages solemnized in the Civil and Military Station of Bangalore.

XVIII. „ to amend the Lower Burma Village Act, 1889, and the Lower Burma Towns Act, 1892.

XIX. „ to amend the Punjab Courts Act, 1884.

XX. „ to incapacitate *ex*-King Thebaw from binding himself by contract so as to give rise to any enforceable pecuniary obligation and to provide for an inquiry into his present state of indebtedness.

XXI. „ to amend the Upper Burma Laws Act, 1886, and the Shan States Act, 1888.

ACT No. I OF 1895.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 4th January, 1895.)

An Act to amend the Presidency Small Cause Courts Act, 1882.

XV of 1882.

WHEREAS it is expedient to amend the Presidency Small Cause Courts Act, 1882; It is hereby enacted as follows:—

Title and commencement.

1. (*1*) This Act may be called the Presidency Small Cause Courts Act, 1895; and

(*2*) It shall come into force on the first day of April, 1895.

Amendment of section 6, Act XV, 1882.

2. In section 6 of the Presidency Small Cause Courts Act, 1882, hereinafter referred to as "the said Act," after the words "Code of Civil Procedure" the following shall be added, namely:—

XV of 1882.

"and to be a Court subordinate to the High Court within the meaning of section 6 of the Legal Practitioners Act, 1879."

XVIII of 1879.

Amendment of section 7, Act XV, 1882.

3. (*1*) For the proviso to the first paragraph of section 7 of the said Act the following shall be substituted, namely:—

"Provided that no person shall be appointed to be a Judge of such Court, or be authorised to exercise the powers of a Judge of such Court, unless he is—

(*a*) an advocate of a High Court of Judicature established under the Indian High Courts Act, 1861, or

24 & 25 Vict., c. 104.

(*b*) a vakil or attorney of any such High Court, or

(*c*) a Judge

(*c*) a Judge of a Court of Civil Judicature of not less than five years' standing:

and that not less than one-third of the persons so appointed, including the Chief Judge, shall be advocates of one of the said High Courts."

(*2*) The last paragraph of section 7 of the said Act is hereby repealed.

Insertion of new section after section 8, Act XV, 1882.

4. After section 8 of the said Act the following shall be inserted, namely:—

Performance of duties of absent Judge.

"8A. During any absence of the Chief Judge the Local Government may appoint any of the Judges of the Court who may be qualified for the appointment of Chief Judge to perform the duties of Chief Judge, and may appoint some other duly qualified person to act as a Judge of the said Court until the Chief Judge has returned from such absence, and during any absence of a Judge of the said Court the Local Government may appoint a duly qualified person to act as a Judge of the said Court, and every person so appointed shall be authorized to perform the duties of a Judge of the said Court until the return of the absent Judge or until the Local Government shall see cause to cancel the appointment of such acting Judge."

Substitution of new section for section 9, Act XV, 1882, and temporary continuance of existing procedure and practice.

5. For section 9 of the said Act the following shall be substituted, namely:—

Procedure and practice of Small Cause Court.

"9. (*1*) The High Court may from time to time, by rules having the force of law,—

(*a*) prescribe the procedure to be followed and the practice to be observed by the Small Cause Court either in supersession of or in addition to any provisions which were prescribed with respect to the procedure or practice of the

the Small Cause Court on or before the thirty-first day of December, 1894, in or under this Act or any other enactment for the time being in force, and

(*b*) cancel or vary any such rule or rules.

"Rules made under this section may provide, among other matters, for the exercise by one or more of the Judges of the Small Cause Court of any powers conferred on the Small Cause Court by this Act, or any other enactment for the time being in force.

"(2) The law, and any rules and declarations made, or purporting to be made, thereunder, with respect to procedure or practice, in force or treated as in force in the Small Cause Court on the thirty-first day of December, 1894, shall be in force, unless and until cancelled or varied by rules made by the High Court under this section."

Addition to section 14, Act XV, 1882.

6. To section 14 of the said Act the following shall be added, namely:—

"*Explanation.*—For the purposes of this section an application for possession under section 41 shall be deemed to be a suit."

Addition to section 18, Act XV, 1882.

7. To section 18 of the said Act the following proviso shall be added immediately before the first Explanation, namely:—

"Provided that where the cause of action has arisen wholly within the local limits aforesaid, and the Court refuses to give leave for the institution of the suit, it shall record in writing its reasons for such refusal."

Addition to section 18, Act XV, 1882.

8. After section 18 of the said Act the following shall be added, namely:—

Plaintiff may abandon suit against defendant resident out of jurisdiction.

"18A. The Small Cause Court may allow a plaintiff at or before the first hearing of a suit in which a joint

joint and several liability is alleged on a cause of action arising either wholly or in part within the local limits of the jurisdiction of the Court to abandon the suit as against any defendant who does not reside or carry on business or personally work for gain within such local limits, and to sue for a decree against such defendants only as do so reside, carry on business or personally work for gain."

Addition to section 19, Act XV, 1882.

9. To section 19 of the said Act the following shall be added, namely:—

Return of plaint.

"19A. Whenever the Court finds that for want of jurisdiction it cannot finally determine the question at issue in the suit, it may at any stage of the proceedings return the plaint to be presented to a Court having jurisdiction to determine the question. When the Court so returns a plaint, it shall comply with the provisions of the second paragraph of section 57 of the Code of Civil Procedure XIV of 1882. and make such order with respect to costs as it may think just, and the Court shall for the purposes of the Indian Limitation Act, 1877, be deemed to have XV of 1877. been unable to entertain the suit by reason of defect of jurisdiction. When a plaint so returned is afterwards presented to a High Court, credit shall be given to the plaintiff for the amount of the court-fee paid in the Small Cause Court in respect of the plaint in the levy of any fees which according to the practice of the High Court are credited to the Government."

Amendment of section 21, Act XV, 1882.

10. In section 21 of the said Act, after the words "or value thereof" the words "and all suits whereof the amount or value of the subject-matter exceeds one thousand rupees" shall be inserted.

Amendment of section 22, Act XV, 1882.

11. In section 22 of the said Act, for the words "two thousand" the words "one thousand" shall be substituted.

Repeal of Act XV, 1882, section 23, and second schedule.

12. Section 23 of and the second schedule to the said Act are hereby repealed.

13. For

13. For Chapter VI of the said Act the following shall be substituted, namely :— Substitution of new Chapter for Chapter VI, Act XV, 1882.

"CHAPTER VI.

"NEW TRIALS AND APPEALS.

"37. Save as otherwise provided by this Chapter or by any other enactment for the time being in force, every decree and order of the Small Cause Court in a suit shall be final and conclusive. General finality of decrees and orders of Small Cause Court.

"38. Where a suit has been contested, the Small Cause Court may, on the application of either party made within eight days from the date of the decree or order in the suit (not being a decree passed under section 522 of the Code of Civil Procedure), order a new trial to be held, or alter, set aside or reverse the decree or order, upon such terms as it thinks reasonable, and may, in the meantime, stay the proceedings. New trial of contested cases. XIV of 1882.

"*Explanation.*—Every suit shall be deemed to be contested in which the decree is made otherwise than by consent of or in default of appearance by the defendant.

"39. (*1*) In any suit instituted in a Small Cause Court in which the amount or value of the subject-matter exceeds the sum of one thousand rupees, the defendant or any one of the defendants may, before the day fixed by the summons for the appearance of the defendant or within eight days after the service of the summons on him, whichever period shall last expire, apply *ex parte* on an affidavit setting forth the facts on which he relies for his defence to a Judge of the High Court for an order removing the cause into the High Court. Removal of certain causes into High Court.

"(*2*) Unless the Judge is of opinion that the application has been made solely for the purpose of delay, the applicant shall be entitled to such order as of right, but it shall be lawful for the Judge, if he shall think fit, in and by such order to require the applicant to give security to a reasonable amount to

be

be specified in the order for the payment of any costs which may become payable by him to the plaintiff in respect of the said suit, and such Judge may also, if he shall think fit, declare that the removal directed by such order shall be conditional upon the completion of such security within a reasonable time to be prescribed in the order.

"(*3*) If the applicant fail or neglect to complete the required security (if any) within the prescribed time (if any), the said order shall be discharged and the suit shall proceed in the Small Cause Court as if such order had never been made.

"(*4*) If the plaintiff in any case which has been removed under this section into the High Court has abandoned a portion of his claim in order to be able to bring the suit within the jurisdiction of a Small Cause Court, he shall be permitted to revive the portion of his claim so abandoned.

Rules with respect to suits removed under the last foregoing section.

"40. (*1*) When a suit has been removed into the High Court under the last foregoing section it shall be heard and disposed of by such Court in the exercise of its original jurisdiction, and the said Court shall have all the same powers and jurisdiction in respect thereof as if it had been originally instituted in such Court.

"(*2*) In every suit so removed as aforesaid, the affidavit filed under section 39, sub-section (*1*), shall be treated as a written statement of the defendant tendered under section 110 of the Code of Civil Procedure unless the Court shall otherwise order. XIV of 1882.

"(*3*) In every suit so removed as aforesaid credit shall be given to the plaintiff for the amount of the court-fee paid in the Small Cause Court in respect of the plaint in the levy of any fees which according to the practice of the High Court are payable to the Government."

ACT No. II OF 1895.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 31st January, 1895.)

An Act to amend the Burma Boundaries Act, 1880.

V of 1880.

WHEREAS it is expedient to amend the Burma Boundaries Act, 1880, with a view to protect all permanent survey-marks erected or placed in the course of any survey executed by order of Government; It is hereby enacted as follows:—

Title, extent and commencement.

1. (*1*) This Act may be called the Burma Boundaries Act Amendment Act, 1895.

(*2*) It extends to the whole of Burma (inclusive of Upper Burma), except the Shan States; and

(*3*) It shall come into force at once.

Substitution of new preamble to Act V of 1880.

V of 1880.

2. For the preamble of the said Burma Boundaries Act, 1880, the following shall be substituted, namely:—

Preamble.

"Whereas it is expedient to provide for the demarcation of land and for the establishment and maintenance of boundary and survey marks in Burma; It is hereby enacted as follows:—"

Addition of section after section 1 of same Act.

3. The following section shall be added after section 1 of the said Act, namely:—

"1A. In this Act,—

Definition of "survey-mark."

"'Survey-mark' means any pillar, pipe, post or other mark erected or placed above or below the surface by or by order of any officer appointed by the Local Government to make a survey of any land on or within the boundaries of such land for the purpose of indicating survey points or lines."

4. Section

Repeal of section 27 of same Act.

4. Section 27 of the said Act shall be repealed.

Substitution of new sections for section 28 of same Act.

5. For section 28 of the said Act the following sections shall be substituted, namely:—

Survey-officer.

"28. When any officer is appointed by the Government to make a survey of any land, the Chief Commissioner may invest such officer, for the purposes of such survey, with all or any of the powers conferred on Demarcation-officers by sections four to nine (both inclusive), and also with power to cause any boundary or survey or other marks to be erected or placed by the owners or occupiers of any land, or to erect or place such marks and to charge the cost of such erection or placing to such owners or occupiers.

"All the provisions of sections twenty-three to twenty-six (both inclusive) shall apply to such marks, and the officer invested with such powers shall have all the powers of a Boundary-officer under the said sections.

Duties of village-officers and of owners and occupiers of land.

"28A. It shall be the duty of every village-headman and thugyi and of every owner or occupier of land,—

(*a*) so far as he lawfully can, to prevent the destruction, injury or alteration of any boundary or survey-mark within the local limits of his jurisdiction or on or within the land owned or occupied by him, as the case may be;

(*b*) whenever he becomes aware that any such boundary or survey-mark has been destroyed, injured or altered, to report immediately to the officer in charge of the nearest police-station or to the nearest Magistrate such destruction, injury or alteration."

6. For

6. For section 30 of the said Act the following section shall be substituted, namely:— Substitution of new section for section 30 of same Act.

"30. Whoever— Penalty for failure to discharge duty imposed or for refusing or neglecting to comply with orders or notice under Act.

(*a*) knowingly fails to discharge any duty imposed on him by this Act or any rule made thereunder, or

(*b*) being legally bound to comply with any lawful order under this Act or with the requisition contained in any special notice served upon him under this Act, refuses or neglects to comply therewith,

shall be punished with fine which may extend to fifty rupees."

ACT No. III OF 1895.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 8th February, 1895.*)

An Act to amend the Indian Penal Code, Act VI of 1864 and the Indian Post-office Act, 1866.

WHEREAS it is expedient to amend the Indian Penal Code, Act VI of 1864 and the Indian Post-office Act, 1866; It is hereby enacted as follows:— XLV of 1860 XIV of 1866.

Indian Penal Code.

Substitution of new section for section 182, Act XLV, 1860.

1. For section 182 of the Indian Penal Code the following shall be substituted, namely:— XLV of 1860.

False information, with intent to cause public servant to use his lawful power to the injury of another person.

"182. Whoever gives to any public servant any information which he knows or believes to be false, intending thereby to cause or knowing it to be likely that he will thereby cause, such public servant—

(*a*) to do or omit anything which such public servant ought not to do or omit if the true state of facts respecting which such information is given were known by him, or

(*b*) to use the lawful power of such public servant to the injury or annoyance of any person,

shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

"*Illustrations.*

"(*a*) *A* informs a Magistrate that *Z*, a police-officer subordinate to such Magistrate, has been guilty of neglect of duty or

or misconduct, knowing such information to be false, and knowing it to be likely that the information will cause the Magistrate to dismiss *Z*. *A* has committed the offence defined in this section.

"(*b*) *A* falsely informs a public servant that *Z* has contraband salt in a secret place knowing such information to be false, and knowing that it is likely that the consequence of the information will be a search of *Z*'s premises, attended with annoyance to *Z*. *A* has committed the offence defined in this section.

"(*c*) *A* falsely informs a policeman that he has been assaulted and robbed in the neighbourhood of a particular village. He does not mention the name of any person as one of his assailants, but knows it to be likely that in consequence of this information the Police will make enquiries and institute searches in the village to the annoyance of the villagers or some of them. *A* has committed an offence under this section."

Addition of section to Chapter XII, Act XLV, 1860.

2. To Chapter XII of the said Code the following shall be added, namely :—

Prohibition of fictitious stamps.

"263A. (*1*) Whoever—

(*a*) makes, knowingly utters, deals in or sells any fictitious stamp, or knowingly uses for any postal purpose any fictitious stamp, or

(*b*) has in his possession, without lawful excuse, any fictitious stamp, or

(*c*) makes or, without lawful excuse, has in his possession any die, plate, instrument or materials for making any fictitious stamp,

shall be punished with fine which may extend to two hundred rupees.

"(*2*) Any such stamp, die, plate, instrument or materials in the possession of any person for making any fictitious stamp may be seized and shall be forfeited.

"(*3*) In this section 'fictitious stamp' means any stamp falsely purporting to be issued by Government for the purpose of denoting a rate of postage, or any facsimile or imitation or representation, whether on paper or otherwise, of any stamp issued by Government for that purpose.

"(*4*) In

"(*4*) In this section and also in sections 255 to 263, both inclusive, the word 'Government,' when used in connection with, or in reference to, any stamp issued for the purpose of denoting a rate of postage, shall, notwithstanding anything in section 17, be deemed to include the person or persons authorised by law to administer executive government in any part of India, and also in any part of Her Majesty's dominions or in any foreign country."

Substitution of new section for section 294, Act XLV,

3. For section 294 of the said Code the following shall be substituted, namely :—

Obscene acts and songs.

"294. Whoever, to the annoyance of others,

(*a*) does any obscene act in any public place, or

(*b*) sings, recites or utters any obscene song, ballad or words, in or near any public place,

shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both."

Addition of new section after section 477, Act XLV, 1860. Falsification of accounts.

4. After section 477 of the said Code the following shall be added, namely :—

"477A. Whoever, being a clerk, officer or servant or employed or acting in the capacity of a clerk, officer or servant, wilfully, and with intent to defraud, destroys, alters, mutilates or falsifies any book, paper, writing, valuable security or account which belongs to or is in the possession of his employer, or has been received by him for or on behalf of his employer, or wilfully, and with intent to defraud, makes or abets the making of any false entry in, or omits or alters or abets the omission or alteration of any material particular from or in, any such book, paper, writing, valuable security or account, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

"*Explanation.*—It shall be sufficient in any charge under this section to allege a general intent to defraud without

without naming any particular person intended to be defrauded or specifying any particular sum of money intended to be the subject of the fraud, or any particular day on which the offence was committed."

Act VI of 1864.

Substitution of new sections for sections 2, 3 and 4, Act VI, 1864.

5. For sections 2, 3 and 4 of Act VI of 1864 (*an Act to authorise the punishment of whipping in certain cases*) the following shall be substituted, namely :—

Offences punishable with whipping in lieu of other punishment prescribed by Penal Code.

"2. Whoever commits any of the following offences may be punished with whipping in lieu of any punishment to which he may for such offence be liable under the Indian Penal Code, that is to say :— XLV of 1860.

Group A.

(*1*) theft, as defined in section 378 of the said Code;

(*2*) theft in a building, tent or vessel, as defined in section 380 of the said Code;

(*3*) theft by a clerk or servant, as defined in section 381 of the said Code;

(*4*) theft after preparation for causing death or hurt, as defined in section 382 of the said Code;

Group B.

(*5*) extortion by threat, as defined in section 388 of the said Code;

(*6*) putting a person in fear of accusation in order to commit extortion, as defined in section 389 of the said Code;

Group C.

(*7*) dishonestly receiving stolen property, as defined in section 411 of the said Code;

(*8*) dishonestly

(*8*) dishonestly receiving property stolen in the commission of a dacoity, as defined in section 412 of the said Code;

Group D.

(*9*) lurking house-trespass, or house-breaking, as defined in sections 443 and 445 of the said Code, in order to the committing of any offence punishable with whipping under this section;

(*10*) lurking house-trespass by night or house-breaking by night, as defined in sections 444 and 446 of the said Code, in order to the committing of any offence punishable with whipping under this section.

On second conviction of offence mentioned in section 2, whipping may be added to other punishment.

"3. Whoever, having been previously convicted of any one of the offences specified in the last preceding section, shall again be convicted of the same offence or of any offence included in the same Group of offences, may be punished with whipping in lieu of or in addition to any other punishment to which he may for such offence be liable under the Indian Penal Code. XLV of 1860.

Offences punishable, in case of second conviction, with whipping in addition to other punishment.

"4. Whoever, having been previously convicted of any one of the following offences, shall be again convicted of the same offence, or of any offence included in the same Group of offences, may be punished with whipping in addition to any other punishment to which he may be liable under the Indian Penal Code, that is to say:— XLV of 1860.

Group A.

(*1*) giving or fabricating false evidence in such manner as to be punishable under section 193 of the Indian Penal Code;

(*2*) giving or fabricating false evidence with intent to procure conviction of a capital offence, as defined in section 194 of the said Code;

(*3*) giving or fabricating false evidence with intent to procure conviction of an offence punishable

able with transportation or imprisonment, as defined in section 195 of the said Code;

Group B.

(*4*) falsely charging any person with having committed an unnatural offence, as defined in sections 211 and 377 of the said Code:

Group C.

(*5*) assaulting or using criminal force to any woman with intent to outrage her modesty, as defined in section 354 of the said Code;

(*6*) rape, as defined in section 375 of the said Code;

(*7*) unnatural offences, as defined in section 377 of the said Code;

Group D.

(*8*) robbery or dacoity, as defined in sections 390 and 391 of the said Code;

(*9*) attempting to commit robbery, as defined in section 393 of the said Code;

(*10*) voluntarily causing hurt in committing robbery, as defined in section 394 of the said Code;

Group E.

(*11*) habitually receiving or dealing in stolen property, as defined in section 413 of the said Code;

Group F.

(*12*) forgery, as defined in section 463 of the said Code;

(*13*) forgery of a document, as defined in section 466 of the said Code;

(*14*) forgery of a document, as defined in section 467 of the said Code;

(*15*) forgery

(*15*) forgery for the purpose of cheating, as defined in section 468 of the said Code;

(*16*) forgery for the purpose of harming the reputation of any person, as defined in section 469 of the said Code;"

Group G.

(*17*) lurking house-trespass, or house-breaking, as defined in sections 443 and 445 of the said Code, in order to the committing of any offence punishable with whipping under this section;

(*18*) lurking house-trespass by night, or house-breaking by night, as defined in sections 444 and 446 of the said Code, in order to the committing of any offence punishable with whipping under this section."

Addition of Explanation to section 5, Act VI of 1864.

6. To section 5 of the same Act the following Explanation shall be added, namely:—

"*Explanation.*—In this section the expression 'juvenile offender' means an offender who in the opinion of the Court is under sixteen years of age, the decision of the Court on such matter being final and conclusive."

Indian Post-office Act, 1866.

Addition of new section after section 65, Act XIV of 1866.

7. After section 65 of the Indian Post-office Act, 1866, the following section shall be added, namely:— XIV of 1866.

Powers of Post-office in case of articles bearing fictitious or previously used stamps.

"66. (*1*) When a letter or other article is received by post from any place beyond the limits of British India—

(*a*) bearing a fictitious postage-stamp, that is to say, any facsimile or imitation or representation of any postage-stamp, or

(*b*) purporting to be repaid with any postage-stamp which has been previously used to prepay any other letter or article,

the

the officer in charge of the post-office at which such letter or article is received shall send a notice to the addressee of such letter or article inviting him to attend, either in person or by agent, within a specified time at such post-office to receive delivery of such letter or article.

(2) If the addressee or his agent shall attend at the post-office within the time specified in such notice and shall consent to make known to the officer in charge of such office the name and address of the sender of such letter or article and to redeliver to such officer the portion of such letter or article which bears the address and the fictitious or previously used postage-stamp, or, if such letter or article is inseparable from such stamp, the entire letter or article, the same shall be delivered to the addressee or his agent.

(3) If the addressee or his agent shall fail to attend at the post-office within the time specified in such notice, or, having attended within such time, shall refuse to make known the name and address of the sender of the letter or article or to redeliver the article or portion thereof as required by sub-section (2), the same shall not be delivered to him, but shall be disposed of in such manner as may be directed by the Governor General in Council.

(4) For the purposes of this section 'postage-stamp' shall include any impressed, embossed or affixed stamp for denoting any rate or duty of postage of any part of Her Majesty's dominions or of any foreign country."

ACT No. IV OF 1895.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 8th February, 1895.*)

An Act to amend sections 366 and 371 of the Code of Criminal Procedure, 1882.

WHEREAS it is expedient to amend sections 366 and 371 of the Code of Criminal Procedure, 1882; X of 1882.
It is hereby enacted as follows:—

Substitution of new section for section 366, Act X, 1882.

1. For section 366 of the said Code the following shall be substituted, namely:—

Mode of delivering judgment.

"366. (*1*) The judgment in every trial in any Criminal Court of original jurisdiction shall be pronounced, or the substance of such judgment shall be explained,—

(*a*) in open Court either immediately after the termination of the trial or at some subsequent time of which notice shall be given to the parties or their pleaders, and

(*b*) in the language of the Court, or in some other language which the accused or his pleader understands:

Provided that the whole judgment shall be read out by the presiding Judge, if he is requested so to do either by the prosecution or the defence.

(*2*) The accused shall, if in custody, be brought up, or, if not in custody, shall be required by the Court to attend, to hear judgment delivered, except where his personal attendance during the trial has been dispensed with and the sentence is one of fine only,

only, in which case it may be delivered in the presence of his pleader.

(*3*) No judgment delivered by any Criminal Court shall be deemed to be invalid by reason only of the absence of any party or his pleader on the day or from the place notified for the delivery thereof, or of any omission to serve, or defect in serving, on the parties or their pleaders, or any of them, the notice of such day and place.

(*4*) Nothing in this section shall be construed to limit in any way the extent of the provisions of section 537."

Amendment of section 371, Act X, 1882.

2. In section 371 of the said Code, for the words "The judgment shall be explained to the accused and on his application" the words "On the application of the accused" shall be substituted.

ACT No. V OF 1895.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 8th February, 1895.)

An Act to amend the Cantonments Act, 1889.

WHEREAS it is expedient to amend the Cantonments Act, 1889; It is hereby enacted as follows:— XIII of 1889.

Title, extent and commencement.

1. (*1*) This Act may be called the Cantonments Act Amendment Act, 1895.

(*2*) It extends to the whole of British India; and

(*3*) It shall come into force at once.

Addition to section 26 of Act XIII of 1889.

2. To section 26 of the Cantonments Act, 1889, XIII of 1889. the following shall be added, namely:—

"Provided that no such rule shall contain any regulation enjoining or permitting any compulsory or periodical examination of any woman by medical officers or others for the purpose of ascertaining whether she is or is not suffering from any venereal disease, or is or is not fit for prostitution, or any regulation for the licensing or special registration of prostitutes, or giving legal sanction to the practice of prostitution, in any cantonment."

ACT No. VI OF 1895.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 15th February, 1895.)

An Act to amend the Dekkhan Agriculturists' Relief Acts, 1879 to 1886.

WHEREAS it is expedient to amend in manner hereinafter appearing the Dekkhan Agriculturists' Relief Acts, 1879 to 1886; It is hereby enacted as follows:—

Title and commencement.

1. (*1*) This Act may be called the Dekkhan Agriculturists' Relief Act, 1895; and it and the Dekkhan Agriculturists' Relief Acts, 1879 to 1886, may be cited collectively as the Dekkhan Agriculturists' Relief Acts, 1879 to 1895.

(*2*) This Act shall come into force on the first day of May, 1895.

Definitions.

2. In this Act, unless there is something repugnant in the subject or context,—

"section" means a section, and "Chapter" a Chapter, of the Dekkhan Agriculturists' Relief Act, 1879.

Repeal.

3. Sections 8, 9, 14, 15, 19 and 73 are hereby repealed.

Addition to section 1.

4. To section 1 the following shall be added after the words "Presidency of Bombay," namely:—

"or to any part or parts of any other such district or districts."

Substitution of new section for section 2.

5. For section 2 the following section shall be substituted, namely:—

Construction.

"2. In construing this Act, unless there is something

thing repugnant in the subject or context, the following rules shall be observed, namely :—

"*1st.*—'Agriculturist' shall be taken to mean a person who by himself or by his servants or by his tenants earns his livelihood wholly or principally by agriculture carried on within the limits of a district or part of a district to which this Act may for the time being extend, or who ordinarily engages personally in agricultural labour within those limits.

"*Explanations.*—(*a*) An agriculturist who, without any intention of changing his status as such, temporarily ceases to earn his livelihood by agriculture or to engage personally in agricultural labour as aforesaid, or who is prevented from so earning his livelihood or engaging in agriculture by age or bodily infirmity or by necessary absence in the military service of Her Majesty, does not thereby cease to be an agriculturist within this definition.

"(*b*) An assignee of Government assessment or a mortgagee is not as such an agriculturist within this definition.

"*2nd.*—In Chapters II, III, IV and VI, and in section 69, the term 'agriculturist,' when used with reference to any suit or proceeding, shall include a person who, when any part of the liability which forms the subject of that suit or proceeding was incurred, was an agriculturist within the meaning of that word as then defined by law.

"*3rd.*—An agriculturist shall be deemed to reside where he earns his livelihood by agriculture or personally engages in agricultural labour as aforesaid.

"*4th.*—'Money' shall be deemed to include agricultural produce, implements and stock.

"*5th.*—'Lease' shall be deemed to include a counterpart, kabuliyat, an undertaking to cultivate or occupy and an agreement to lease.

"*6th.*—'Standing crops' shall include crops of all sorts attached to the soil, and leaves, flowers and fruits upon and juice in trees and shrubs."

6. In

Amendment of section 7.

6. In section 7, before the word "unnecessary" the word "clearly" shall be added; and at the end of the same section the following shall be inserted, namely:—

"*Explanation.*—The compulsory examination of the defendant shall not be dispensed with merely by reason of the fact that the defendant has filed a written statement."

Addition of new section after section 13.

7. After section 13 the following section shall be added, namely:—

In certain cases rent may be charged in lieu of profits.

"13A. Where the mortgaged property is in the possession of the mortgagee or his tenants other than the mortgagor, and the Court is unable to determine what profits have been actually received, it may fix a fair rent for such property and charge to the mortgagee such rent as profits for the purpose of section 13:

Provided that, if it be proved that in any year there was an entire or serious failure of the crops, an abatement of the whole or part of such rent may be allowed for the year."

Addition of section after section 15A.

8. After section 15A the following section shall be added, namely:—

Power of Court to name some future date for payment by the mortgagor.

"15AA. So far as it may be consistent with the provisions of this Act, every decree for redemption or foreclosure of any mortgage, and every decree or order for the sale of any mortgaged property made at the instance of a mortgagee thereof, shall name such future day, not being less than six months after the date of such decree, as the Court may think reasonable for the payment by the mortgagor of the money payable under the decree, and no such foreclosure shall be made absolute nor shall any such sale take place before the day so named."

Addition to section 15B.

9. To section 15B the following shall be added, namely:—

Power to continue the

"(3) In passing a decree for redemption or foreclosure

mortgagee in possession.

closure in any such suit as aforesaid, the Court may direct that the amount payable by the mortgagor shall be discharged by continuing the mortgagee in possession for such further period as will enable him to recover his principal with reasonable interest, and that on the expiry of such period the property mortgaged shall be restored to the mortgagor.

"(*4*) When the amount payable to a mortgagee in possession has been determined in any such suit as aforesaid, the Court may in its discretion, instead of making an order for payment thereof, direct that the mortgagee be continued in possession for such period (to be specified by the Court) as will in the opinion of the Court be sufficient to enable him to recover from the profits the amount payable by the mortgagor together with reasonable interest, and that on the expiry of such period the property mortgaged shall be restored to the mortgagor."

Amendment of section 22.

10. In section 22 the words "other than his standing crops" shall be omitted, and in the same section after the word "subsists" the following words shall be inserted, namely :—

"For the purposes of any such attachment or sale as aforesaid standing crops shall be deemed to be moveable property."

Amendment of section 36.

11. In section 36, after the words "or misconduct of the Village-munsif" and before the words "and pass," the following words shall be added, namely :—

"or on the ground that the Village-munsif has exercised a jurisdiction not vested in him by law."

Substitution of new section for section 44.

12. For section 44 the following section shall be substituted, namely :—

Procedure when agreement finally disposes of case and in other circumstances.

"44. (*1*) When the agreement is one finally disposing of the matter, the Conciliator shall forward the same in original to the Court of the Subordinate Judge of lowest grade having jurisdiction in the place where the agriculturist who is a party thereto resides, and shall at the same time deliver to each of the parties a written notice to show cause before such Judge, within one month from the date of such deli-

very,

very, why such agreement ought not to be filed in such Court,

"(*2*) The Court which receives the agreement shall in all cases scrutinize the same, and if it thinks that the agreement is a legal and equitable one finally disposing of the matter, and that it has not been made in fraud of the stamp or registration laws, it shall, after the expiry of the said period of one month, unless cause has been shown as aforesaid, order such agreement to be filed; and it shall then take effect as if it were a decree of the said Court passed on the day on which it is ordered to be filed and from which no appeal lies.

"(*3*) If the said Court thinks that the agreement is not a legal or equitable one or that it does not finally dispose of the matter, or that it has been made in fraud of the stamp or registration laws, it shall of its own motion issue process for the attendance of the parties, and if after such inquiry as may be deemed necessary the Court finds that such agreement is a legal and equitable one finally disposing of the matter, and that it has not been made in fraud of the stamp or registration laws, it shall order such agreement to be filed; and it shall then take effect as if it were a decree of the said Court passed on the day on which it is ordered to be filed, and from which no appeal lies.

"(*4*) If, on the other hand, the said Court finds that the agreement does not constitute a legal or equitable agreement, or that it does not finally dispose of the matter, or that it has been made in fraud of the stamp or registration laws, it shall return the said agreement to the Conciliator, and such Conciliator shall thereupon be bound to furnish on demand to the parties or any one of them a certificate under section 46.

"(*5*) The Court may in any case, for reasons to be recorded by it in writing, from time to time extend the period of one month allowed for showing cause under this section."

13. In

Amendment of section 51.

13. In section 51, clause (*b*), before the word "transfer" the following words shall be added, namely :—

"transfer from the Court of one Subordinate Judge to another any suit or any agreement pending before a Subordinate Judge under section 44 of this Act ; or"

Substitution of new section for section 52. Appointment of Assistant or Subordinate Judges to aid District Judge.

14. For section 52 the following section shall be substituted, namely :—

"52. (*1*) The Local Government may appoint an Assistant or Subordinate Judge to inspect and supervise, subject to the control of the District Judge, the proceedings of all Subordinate Judges under Chapter II, Chapter IV and Chapter VI of this Act, and of all Village-munsifs and Conciliators in any district or part of a district to which this Act applies :

"Provided that, if the Local Government thinks fit, the same Assistant or Subordinate Judge may be so appointed for two or more such districts or parts of districts or districts and parts of districts.

"(*2*) The District Judge may, by order, confer upon any Assistant or Subordinate Judge appointed under this section, as regards any district or part of a district for which he is so appointed, all or any of the powers specified in the order which vest in the District Judge under section 51."

Substitution of new section for section 61. Superintendence of Village-registrars and custody and destruction of their records.

15. For section 61 the following section shall be substituted, namely :—

"61. (*1*) The Local Government may appoint one or more officers to exercise by themselves or their subordinates a general superintendence over all Village-registrars, and may either make rules, or empower such officer or officers to make rules, from time to time consistent with this Act for regulating the proceedings of the Village-registrars and for providing for the custody of their records.

"(*2*) The Local Government may, by order to be published in the Government Gazette, declare that any documents other than wills remaining unclaimed

in

in any registration office in any district or part of a district to which this Act applies, for a period exceeding two years, may be destroyed."

Insertion of section 71 in the Act.

16. In Chapter XI the following section shall be inserted, namely :—

Bar of application of section 258, Act XIV, 1882.

"71. The last clause of section 258 of the Code of Civil Procedure shall not apply to payments out of Court made in any proceeding under this Act, in any case where an acknowledgment by the judgment-creditor for the same is produced, or when the payment is either admitted by him or proved."

XIV of 1882.

Insertion of section 71A. in the Act.

17. After section 71 the following section shall be inserted, namely :—

Rate of interest allowable on taking an account.

"71A. In taking an account under section 13 or in any suit under this Act where interest is chargeable such interest shall be awarded at the following rates :—

(*a*) the rate, if any, agreed upon between the parties or the persons (if any) through whom they claim, unless such rate is deemed by the Court to be unreasonable ; or

(*b*) if such rate is deemed by the Court unreasonable, or if no rate was agreed upon, or, when any agreement between the parties or the persons (if any) through whom they claim, to set off profits against interest and assessment and similar charges without an account has been set aside by the Court, such rate as the Court may deem reasonable."

Amendment of section 72.

18. In section 72, after the word "agriculturist", where that word first occurs, the words "in any of the districts of Puna, Satara, Sholapur and Ahmadnagar,"

and in the same section, after the same word where that word afterwards occurs, the words "in any of the districts aforesaid,"

shall be added.

ACT No. VII OF 1895.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 1st March, 1895.*)

An Act to amend certain sections of the Code of Civil Procedure and the Punjab Laws Act, 1872.

WHEREAS it is expedient to amend certain sections of the Code of Civil Procedure and the Punjab Laws Act, 1872; It is hereby enacted as follows:— XIV of 1882. IV of 1872.

Code of Civil Procedure.

Amendment of section 39, Act XIV, 1882.

1. (*1*) In the third paragraph of section 39 of the said Code, between the words "of any High Court established by Royal Charter" and the words "shall be required," the words "or of the Chief Court of the Punjab" shall be inserted.

(*2*) To the said section the following Explanation shall be added, namely:—

"*Explanation.*—For the purposes of the enrolment of advocates the High Court of Bombay shall be at liberty to treat the Sadr Court of Sind as within the local limits of its jurisdiction."

Amendment of section 180, Act XIV, 1882.

2. For the first and second paragraphs of section 180 of the said Code the following shall be substituted, namely:—

"The other party shall then state his case and produce his evidence (if any), and may then address the Court generally on the whole case.

"The party beginning may then reply generally on the whole case."

Punjab

Punjab Laws Act, 1872.

IV of 1872.

3. Sections 17 and 18 of the Punjab Laws Act, 1872, as amended by Act XII of 1878, are hereby repealed.

Repeal of sections 17 and 18, Act IV, 1872.

4. For section 51 of the same Act the following section shall be substituted, namely :—

Substitution of new section for section 51, Act IV, 1872.

"**51.** All rules which the Local Government is empowered to issue under this Act, and all circulars issued by the Chief Court, shall be republished from time to time by the Local Government, with the previous sanction of the Governor General in Council, and upon such republication shall be arranged in the order of their subject-matter; and all such alterations or amendments as may have been made since the last preceding publication thereof, or may have become necessary or advisable, shall be embodied therewith; and upon such republication all such rules and circulars previously issued shall be repealed."

Republication of rules and orders.

ACT No. VIII OF 1895.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 1st March, 1895.*)

An Act to amend Act V of 1861 (*an Act for the Regulation of Police*).

WHEREAS it is expedient to amend Act V of 1861 (*an Act for the Regulation of Police*); It is hereby enacted as follows:—

Addition to interpretation-clause, section 1, Act V, 1861.

1. In section 1 of the said Act the following shall be inserted between the interpretations of the words "general police-district" and the word "property," namely:—

"The words 'District Superintendent' and 'District Superintendent of Police' shall include any Assistant District Superintendent or other person appointed by general or special order of the Local Government to perform all or any of the duties of a District Superintendent of Police under this Act in any district."

Amendment of section 7, Act V, 1861, respecting minor punishments.

2. In section 7 of the said Act, in lieu of the words beginning "or fine any police-officer" down to the end of the section, the following shall be substituted, namely:—

"or may award any one or more of the following punishments to any police-officer who shall discharge his duty in a careless or negligent manner, or who by any act of his own shall render himself unfit for the discharge thereof, namely:—

(*a*) fine to any amount not exceeding one month's pay;

(*b*) confinement to quarters for a term not exceeding fifteen days, with or without punishment-drill,

ment-drill, extra guard, fatigue or other duty;

(*c*) deprivation of good-conduct pay;

(*d*) removal from any office of distinction or special emolument."

Amendment of section 8, Act V, 1861, respecting certificates and suspension.

3. For the second paragraph of section 8 of the said Act, beginning with the words "Such certificate shall cease to have effect" and ending with the words "officer empowered to receive the same," the following shall be substituted, namely:—

"Such certificate shall cease to have effect whenever the person named in it ceases for any reason to be a police-officer, and, on his ceasing to be such an officer, shall be forthwith surrendered by him to any officer empowered to receive the same.

"A police-officer shall not by reason of being suspended from office cease to be a police-officer. During the term of such suspension the powers, functions and privileges vested in him as a police-officer shall be in abeyance, but he shall continue subject to the same responsibilities, discipline and penalties and to the same authorities, as if he had not been suspended"

Substitution of new section for section 15, Act V, 1861. Quartering of additional police in disturbed or dangerous districts.

4. For section 15 of the said Act the following shall be substituted, namely:—

"15. (*1*) It shall be lawful for the Local Government, by proclamation to be notified in the official Gazette, and in such other manner as the Local Government shall direct, to declare that any area subject to its authority has been found to be in a disturbed or dangerous state, or that, from the conduct of the inhabitants of such area or of any class or section of them, it is expedient to increase the number of police.

"(*2*) It shall thereupon be lawful for the Inspector General of Police, or other officer authorized by the Local Government in this behalf, with the sanction of the Local Government, to employ any police-force in addition to the ordinary fixed complement to be quartered in the area specified in such proclamation as aforesaid.

"(*3*) Subject

"(*3*) Subject to the provisions of sub-section (*5*) of this section, the cost of such additional police-force shall be borne by the inhabitants of such area described in the proclamation.

"(*4*) The Magistrate of the district, after such enquiry as he may deem necessary, shall apportion such cost among the inhabitants who are as aforesaid liable to bear the same and who shall not have been exempted under the next succeeding sub-section. Such apportionment shall be made according to the Magistrate's judgment of the respective means within such area of such inhabitants.

"(*5*) It shall be lawful for the Local Government, by order, to exempt any persons or class or section of such inhabitants from liability to bear any portion of such cost.

"(*6*) Every proclamation issued under sub-section (*1*) of this section shall state the period for which it is to remain in force, but it may be withdrawn at any time or continued from time to time for a further period or periods as the Local Government may in each case think fit to direct.

"*Explanation.*—For the purposes of this section, 'inhabitants' shall include persons who themselves or by their agents or servants occupy or hold land or other immoveable property within such area, and landlords who themselves or by their agents or servants collect rents direct from raiyats or occupiers in such area, notwithstanding that they do not actually reside therein.

Addition of new sections after section 15, Act V, 1861.

5. After section 15 of the said Act the following shall be inserted, namely :—

Awarding compensation to sufferers from misconduct of inhabitants or persons interested in land.

"15A. (*1*) If, in any area in regard to which any proclamation notified under the last preceding section is in force, death or grievous hurt or loss of, or damage to, property has been caused by or has ensued from the misconduct of the inhabitants of such area or any class or section of them, it shall be lawful

lawful for any person, being an inhabitant of such area, who claims to have suffered injury from such misconduct, to make, within one month from the date of the injury or such shorter period as may be prescribed, an application for compensation to the Magistrate of the district or of the sub-division of a district within which such area is situated.

"(2) It shall thereupon be lawful for the Magistrate of the district, with the sanction of the Local Government, after such enquiry as he may deem necessary, and whether any additional police-force has or has not been quartered in such area under the last preceding section, to—

(*a*) declare the persons to whom injury has been caused by or has ensued from such misconduct;

(*b*) fix the amount of compensation to be paid to such persons and the manner in which it is to be distributed among them; and

(*c*) assess the proportion in which the same shall be paid by the inhabitants of such area other than the applicant who shall not have been exempted from liability to pay under the next succeeding sub-section:

"Provided that the Magistrate shall not make any declaration or assessment under this sub-section unless he is of opinion that such injury as aforesaid has arisen from a riot or unlawful assembly within such area, and that the person who suffered the injury was himself free from blame in respect of the occurrences which led to such injury.

"(3) It shall be lawful for the Local Government, by order, to exempt any persons or class or section of such inhabitants from liability to pay any portion of such compensation.

"(4) Every declaration or assessment made or order passed by the Magistrate of the district under sub-section (2) shall be subject to revision by the Commissioner

Commissioner of the Division or the Local Government, but save as aforesaid shall be final.

"(5) No civil suit shall be maintainable in respect of any injury for which compensation has been awarded under this section.

"(6) *Explanation.*—In this section the word 'inhabitants' shall have the same meaning as in the last preceding section."

New section substituted for section 16, Act V, 1861.

6. For section 16 of the said Act the following shall be substituted, namely:—

Recovery of moneys payable under sections 13, 14, 15 and 15A, and disposal of same when recovered.

"16. (1) All moneys payable under sections 13, 14, 15 and 15A shall be recoverable by the Magistrate of the district in the manner provided by sections 386 and 387 of the Code of Criminal Procedure, 1882, for the recovery of fines, or by suit in any competent Court. X of 1882.

"(2) All moneys paid or recovered under sections 13, 14 and 15 shall be credited to a fund to be called 'The General Police Fund,' and shall be applied to the maintenance of the police-force under such orders as the Local Government shall pass.

"(3) All moneys paid or recovered under section 15A shall be paid by the Magistrate of the district to the persons to whom and in the proportions in which the same are payable under that section."

Addition to section 26, Act V, 1861.

7. To section 26 of the said Act the following shall be added, namely:—

"(2) The provisions of section 525 of the Code of Criminal Procedure, 1882, shall be applicable to property referred to in this section." X of 1882.

Substitution of new section for section 27, Act V, 1861,

8. For section 27 of the said Act the following shall be substituted, namely:—

Confiscation of property if no claimant appears.

"27. (1) If no person shall within the period allowed claim such property, or the proceeds thereof, if sold, it may, if not already sold under sub-section (2) of

(*2*) of the last preceding section, be sold under the orders of the Magistrate of the district.

"(*2*) The sale-proceeds of property sold under the preceding sub-section and the proceeds of property sold under section 26 to which no claim has been established shall be at the disposal of Government."

Addition to section 29, Act V, 1861, respecting overstay of leave.

9. In section 29 of the said Act, after the words "for the period of two months" the following shall be added, namely:—

"or who, being absent on leave, shall fail, without reasonable cause, to report himself for duty on the expiration of such leave."

Substitution of new section for section 30, Act V, 1861.

10. For section 30 of the said Act the following shall be substituted, namely:—

Regulation of public assemblies and processions, and licensing of the same.

"30. (*1*) The District Superintendent or Assistant District Superintendent of Police may, as occasion requires, direct the conduct of all assemblies and processions on the public roads, or in the public streets or thoroughfares, and prescribe the routes by which, and the times at which, such processions may pass.

"(*2*) He may also, on being satisfied that it is intended by any persons or class of persons to convene or collect an assembly in any such road, street or thoroughfare, or to form a procession which would, in the judgment of the Magistrate of the district or of the sub-division of a district, if uncontrolled, be likely to cause a breach of the peace, require by general or special notice that the persons convening or collecting such assembly or directing or promoting such procession shall apply for a license.

"(*3*) On such application being made he may issue a license specifying the names of the licensees and defining the conditions on which alone such assembly or such procession is to be permitted to take place and otherwise giving effect to this section:

Provided

Provided that no fee shall be charged on the application for, or grant of, any such license.

"(*4*) He may also regulate the extent to which music may be used in the streets on the occasion of festivals and ceremonies."

Addition of new section after section 30, Act V, 1861.

11. After section 30 of the said Act the following section shall be inserted, namely :—

Powers with regard to assemblies and processions violating conditions of license.

"30A. (*1*) Any Magistrate or District Superintendent of Police or Assistant District Superintendent of Police or Inspector of Police or any police-officer in charge of a station may stop any procession which violates the conditions of a license granted under the last foregoing section, and may order it or any assembly which violates any such conditions as aforesaid to disperse.

"(*2*) Any procession or assembly which neglects or refuses to obey any order given under the last preceding sub-section shall be deemed to be an unlawful assembly."

Amendment of sections 32 and 33, Act V, 1861.

12. In section 32 of the said Act, for the word "two," where it first occurs, the word "three," and in section 33 of the said Act, for the word "three" the word "four," shall be respectively substituted.

Amendment of section 14, Act V, 1861.

13. In section 34 of the said Act, after the words "or in any" the words "open place or" shall be inserted, and for the expression "residents and passengers" the expression "residents or passengers" shall be substituted.

Substitution of new section for sections 37, 38, 39 and 40, Act V, 1861.

14. For sections 37, 38, 39 and 40 of the said Act the following section shall be substituted, namely :—

Recovery of penalties and fines imposed by Magistrates.

"37. The provisions of sections 64 to 70, both inclusive, of the Indian Penal Code, and of sections 386 to 389, both inclusive, of the Code of Criminal Procedure, 1882, with respect to fines, shall apply to penalties and fines imposed under this Act on conviction before Magistrate : XLV of 1860. X of 1882.

Provided

Provided that, notwithstanding anything contained in section 65 of the first-mentioned Code, any person sentenced to fine under section 34 of this Act may be imprisoned in default of payment of such fine for any period not exceeding eight days."

Substitution of new section for section 46, Act V, 1861.

15. For section 46 of the said Act the following shall be substituted, namely :—

Scope of Act.

"46. (*1*) This Act shall not by its own operation take effect in any presidency, province or place. But the Governor General in Council, by an order to be published in the Gazette of India, may extend the whole or any part of this Act to any presidency, province or place, and the whole or such portion of this Act as shall be specified in such order shall thereupon take effect in such presidency, province or place.

"(*2*) When the whole or any part of this Act shall have been so extended, the Local Government may from time to time, by notification in the official Gazette, make rules consistent with this Act—

(*a*) to regulate the procedure to be followed by Magistrates and police-officers in the discharge of any duty imposed upon them by or under this Act;

(*b*) to prescribe the time, manner and conditions within and under which claims for compensation under section 15A are to be made, the particulars to be stated in such claims, the manner in which the same are to be verified, and the proceedings (including local enquiries if necessary) which are to be taken consequent thereon; and,

(*c*) generally, for giving effect to the provisions of this Act.

"(*3*) All rules made under this Act may from time to time be amended, added to or cancelled by the Local Government."

16. All

Saving of orders heretofore issued under section 46, Act V, 1861.

16. All orders heretofore issued by the Governor General in Council or the Local Government under section 46 of the said Act shall, as far as may be, be deemed to have been issued under the new section substituted for the same by the last foregoing section.

ACT NO. IX OF 1895.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 7th March, 1895.*)

An Act to confer on Presidency Magistrates and District Magistrates certain powers and authorities in relation to the surrender of fugitive criminals.

33 & 34 Vict., c. 52.

WHEREAS by the Extradition Act, 1870, it is, among other things, enacted that the said Act, when applied by Order in Council, shall, unless it is otherwise provided by such order, extend to every British possession, but with the following among other modifications, namely :—

No warrant of a Secretary of State shall be required, and all powers vested in, or acts authorized or required to be done under the said Act by, the Police Magistrate and the Secretary of State, or either of them, in relation to the surrender of a fugitive criminal, may be done by the Governor of the British possession alone ;

And whereas by the said Act it is also enacted that, if by any law or ordinance made before or after the passing of the said Act by the Legislature of any British possession provision is made for carrying into effect within such possession the surrender of fugitive criminals who are in or are suspected of being in such possession, Her Majesty may, by the Order in Council applying the said Act in the case of any foreign State, or by any subsequent order, either—

suspend the operation within any such British possession of the said Act or any part thereof, so far as it relates to such foreign State, and

so long as such law or ordinance continues in force there, and no longer,

or direct that such law or ordinance, or any part thereof, shall have effect in such British possession, with or without modifications and alterations, as if it were part of the said Act;

And whereas the said Extradition Act, 1870, was amended by the Extradition Act, 1873, which enacted that that Act was to be construed as one with the said Act of 1870, and that the said two Acts might be cited together as the Extradition Acts, 1870 and 1873; 36 & 37 Vict., c. 60.

And whereas it is expedient to provide for the more convenient administration in British India of the said Extradition Acts, 1870 and 1873, by conferring on Presidency Magistrates and District Magistrates the like powers and authorities in relation to the surrender of fugitive criminals as are by the said Acts vested in Police Magistrates and Justices of the Peace in the United Kingdom;

It is hereby enacted as follows:—

Title and commencement.

1. (*1*) This Act may be called the Extradition (India) Act, 1895; and

(*2*) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint in this behalf:.

Provided that no such date shall be appointed until after Her Majesty has been pleased by Order in Council to direct that this Act shall have effect in British India as if it were part of the Extradition Act, 1870, and such Order has been published in the Gazette of India. 33 & 34 Vict., s. 52.

Powers of Police Magistrates and Justices of Peace under Imperial Acts conferred on Presidency and District Magistrates.

2. All powers vested in, and acts authorized or required to be done by, a Police Magistrate or any Justice of the Peace in relation to the surrender of fugitive criminals in the United Kingdom under the Extradition Acts, 1870 and 1873, are hereby vested in, and may in British India be exercised and done by, any Presidency Magistrate or District Magistrate in relation to the surrender of fugitive criminals under the said Acts.

ACT No. X OF 1895.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 7th March, 1895.*)

An Act to provide for the payment by Railway Companies registered under the Indian Companies Act, 1882, of interest out of capital during construction.

WHEREAS it is expedient to provide for the payment by Railway Companies registered under the Indian Companies Act, 1882, of interest out of capital during construction; It is hereby enacted as follows:—

VI of 1882.

Title, extent and commencement.

1. (*1*) This Act may be called the Indian Railway Companies Act, 1895.

(*2*) It extends to the whole of British India; and

(*3*) It shall come into force at once.

Definitions.

2. In this Act, unless there is something repugnant in the subject or context,—

IX of 1890.

(*1*) "railway" means a railway as defined in section 3, clause (*4*), of the Indian Railways Act, 1890:

(*2*) "the railway" means the railway in relation to the construction of which interest out of capital is permitted to be paid as hereinafter provided: and

VI of 1882.

(*3*) "Railway Company" means a Company registered under the Indian Companies Act, 1882, and formed for the purpose of making and working, or making or working, a railway in India, whether alone or in conjunction with other purposes.

Payment of interest out of capital.

3. A Railway Company may pay interest on its paid-up share capital out of capital, for the period, and

and subject to the conditions and restrictions, in this section mentioned, and may charge the same to capital as part of the cost of construction of the railway:—

(*1*) Such interest shall be paid only for such period as shall be determined by the Governor General in Council; and such period shall in no case extend beyond the close of the half-year next after the half-year during which the railway shall be actually completed and opened for traffic.

(*2*) No such payment shall be made unless the same is authorised by the Company's memorandum of association or by a special resolution of the Company.

(*3*) No such payment, whether authorised by the Company's memorandum of association or by special resolution as aforesaid, shall be made without the previous sanction of the Governor General in Council.

(*4*) The amount so paid out of capital by way of interest, in respect of any period, shall in no case exceed a sum which shall, together with the net earnings of the railway during such period, make up the rate of four per cent. per annum.

(*5*) No such payment of interest shall be made until such Railway Company has satisfied the Governor General in Council that two-thirds at least of its share capital, in respect whereof interest is to be so paid, has been actually issued and accepted, and is held by shareholders who, or whose representatives, are legally liable for the same.

(*6*) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear.

(*7*) The payment of such interest shall not operate as a reduction of the amount paid up on the shares in respect of which it is paid.

Provisions of section 3 applicable to additional share capital for extensions.

4. A railway in course of construction and intended to be made or worked by a Railway Company in addition to or by way of extension of any railway owned or worked by such Company shall be deemed to be the railway of such Company for the purposes of this Act, and all the provisions of the last preceding section shall apply to such railway and to the share capital issued for the purpose of its construction.

Notice in prospectus and other documents.

5. When a Railway Company has power to pay interest under this Act, notice to that effect shall be given in every prospectus, advertisement or other document inviting subscriptions for shares therein, and in every certificate of such shares.

Accounts.

6. When any interest has been paid by a Railway Company under this Act, the annual or other accounts of such Company shall show the amount on which, and the rate at which, interest has been so paid.

Construction of borrowing powers.

7. If by any memorandum of association, articles of association or other document any power of borrowing money is conferred on a Railway Company, or on its Directors, with or without the sanction of any meeting, and if such power of borrowing is limited to an amount bearing any proportion to the capital of such Company, the amount of capital applied or to be applied in payment of interest under this Act shall, for the purpose of ascertaining the extent of such power of borrowing, be deducted from the capital of such Company.

ACT No. XI OF 1895.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 7th March, 1895.)

An Act to remove certain doubts as to the validity of certain proceedings and acts of certain officers of the Pegu and Tenasserim Divisions in Lower Burma and to prevent their being raised in the future.

WHEREAS doubts exist as to the validity of certain proceedings and acts heretofore held or done by certain officers of the Pegu and Tenasserim Divisions, respectively, in Lower Burma, on the ground that such proceedings and acts were not held or done within the sessions division, district, sub-division, township, registration district or sub-district to which the officer holding the proceeding or doing the act was appointed;

And whereas it is expedient to remove such doubts and to prevent their being raised in the future;

It is hereby enacted as follows:—

Validating certain proceedings and acts of certain officers in the Pegu and Tenasserim Divisions of Lower Burma.

1. All proceedings and acts heretofore held or done, or which may hereafter be held or done,—

(*a*) by the Commissioner or Sessions Judge of the Pegu Division and by the Deputy Commissioner and other Magistrates or officers of the Hanthawaddy District within the precincts of their respective courts and offices in the Rangoon Town District, and

(*b*) by the Commissioner or Sessions Judge of the Tenasserim Division nd by the Deputy Commissioner and other Magistrates or officers

officers of the Amherst District within the precincts of their respective courts and offices in the Moulmein Town District and the Moulmein Town Sub-division of the Amherst District,

shall be deemed to have been held or done within the sessions division, district, sub-division, township, registration district or sub-district to which the officer holding the proceeding or doing the act was or shall have been appointed, and the court or office in which a proceeding or act has been or shall be held or done by any such officer shall be deemed to have been or to be within the sessions division, district, sub-division, township, registration district or sub-district in which the officer exercised or shall exercise jurisdiction.

ACT NO. XII OF 1895.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 21st March, 1895.)

An Act to give power to Companies to make certain alterations in the Instruments under which they are constituted, and to amend the Indian Companies Act, 1882.

WHEREAS it is expedient to give to companies power to alter the provisions of the instruments under which they are constituted in certain cases; and whereas it is also expedient to amend section 65 of the Indian Companies Act, 1882; It is hereby VI of 1882. enacted as follows :—

Short title and commencement.

1. (*1*) This Act may be called the Indian Companies (Memorandum of Association) Act, 1895; and

(*2*) It shall come into force at once.

Sections 3 to 10 to be read with Act VI of 1882.

2. Sections 3 to 10 (both inclusive) shall be read with and taken as part of the Indian Companies Act, VI of 1882. 1882.

Definitions.

3. In this Act, unless there is something repugnant in the subject or context,—

(*1*) the expression "deed of settlement" includes any contract of copartnery or other instrument constituting or regulating a company and not being an Act of Parliament, a Royal Charter or Letters Patent; and

(*2*) the expression "High Court" means for the Town of Rangoon the Recorder and elsewhere the High Court as defined in the General Clauses Act, I of 1868. 1868.

4. Subject

VI of 1882.

Power for company to alter objects or form of constitution subject to confirmation by High Court.

4. Subject to the provisions of this Act, a company registered under the Indian Companies Act, 1882, may, by special resolution, alter the provisions of its memorandum of association or deed of settlement with respect to the objects of the company, so far as may be required for any of the purposes hereinafter specified, or alter the form of its constitution by substituting a memorandum and articles of association for a deed of settlement, either with or without any such alteration as aforesaid with respect to the objects of the company; but in no case shall any such alteration take effect until confirmed on petition by the High Court.

Particulars as to which Court must be satisfied before confirmation.

5. Before confirming any such alteration the High Court must be satisfied—

(*a*) that sufficient notice has been given to every holder of debentures or debenture stock of the company, and every person or class of persons whose interests will, in the opinion of the Court, be affected by the alteration; and

(*b*) that, with respect to every creditor who in the opinion of the Court is entitled to object, and who signifies his objection in manner directed by the Court, either his consent to the alteration has been obtained or his debt or claim has been discharged or has determined, or has been secured to the satisfaction of the Court:

Provided that the Court may, in the case of any person or class of persons, for special reasons, dispense with the notice required by this section.

Power of Court when confirming to impose terms and make order as to costs.

6. An order confirming any such alteration may be made on such terms and subject to such conditions as to the Court may seem fit, and the Court may make such orders as to costs as it may deem proper.

Discretion conferred

7. The High Court shall, in exercising its discretion under this Act, have regard to the rights and interests

on Court.

interests of the members of the company, or of any class of those members, as well as to the rights and interests of the creditors, and may, if it shall think fit, adjourn the proceedings in order that an arrangement may be made to the satisfaction of the Court for the purchase of the interests of dissentient members; and the Court may give such directions and make such orders as it may think expedient for the purpose of facilitating any such arrangement or carrying the same into effect:

Provided always that it shall not be lawful to expend any part of the capital of the company in any such purchase.

Ground on which Court may confirm a proposed alteration.

8. The High Court may confirm, either wholly or in part, any such alteration as aforesaid with respect to the objects of the company if it appears that the alteration is required in order to enable the company—

(*a*) to change the place of the registered office of the company from one part of British India to another; or

(*b*) to carry on its business more economically or more efficiently; or

(*c*) to attain its main purpose by new or improved means; or

(*d*) to enlarge or change the local area of its operations; or

(*e*) to carry on some business or businesses which under existing circumstances may conveniently or advantageously be combined with the business of the company; or

(*f*) to restrict or abandon any of the objects specified in the memorandum of association or deed of settlement.

Registration of order together with memorandum

9. (*1*) Where a company has altered the provisions of its memorandum of association or deed of settlement with respect to the place of its registered

office

office or to the objects of the company, or has altered the form of its constitution by substituting a memorandum and articles of association for a deed of settlement, and such alteration has been confirmed by the Court, a certified copy of the order confirming such alteration, together with a printed copy of the memorandum of association or deed of settlement so altered, or together with a printed copy of the substituted memorandum and articles of association (as the case may be), shall be delivered by the company to the Registrar of Joint Stock Companies within three months from the date of the order, and the Registrar shall register the same, and shall certify under his hand the registration thereof, and his certificate shall be conclusive evidence that all the requisitions of this Act with respect to such alteration and the confirmation thereof have been complied with.

as altered or substituted memorandum and articles, and consequences thereof.

(*2*) When any such alteration as aforesaid involves a transfer of the registered office to a part of British India other than that in which the office is at which the company is registered, a certified copy of the order confirming such change shall be delivered by the company to the Registrar of Joint Stock Companies in each of such parts, and each of such Registrars shall register the same, and shall certify under his hand the registration thereof, and the Registrar for the part from which such office is transferred shall send to the Registrar for the other part all documents relating to the company registered in his office.

(*3*) From the date of such registration (but subject to the provisions of this Act) the memorandum or deed of settlement so altered shall be the memorandum of association or deed of settlement of the company, or, as the case may be, such substituted memorandum and articles of association shall apply to the company in the same manner as if the company were a company registered under Part I of the Indian Companies Act, 1882, with such memorandum and articles of association, and the company's deed of settlement shall cease to apply to the company.

VI of 1882.

(*4*) For

(*4*) For every registration under this section there shall be payable to the Registrar of Joint Stock Companies a fee of five rupees.

Effect of failure to register within three months.

10. No such alteration as aforesaid shall have any operation until registration thereof has been duly effected under the last foregoing section, and, if such registration shall not have been effected within three months next after the date of the order of the Court confirming the alteration, such alteration and order and all proceedings connected therewith shall at the expiration of such period of three months become and be absolutely null and void :

Provided that the Court may, on sufficient cause shewn, revive the order on application made within a further period of one month.

Amendment of section 65 of Act VI of 1882.

11. In section 65 of the Indian Companies Act, 1882, for the words "in such language or languages" the second time they occur the words "in the English language" shall be substituted. VI of 1882.

ACT No. XIII OF 1895.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 25th July, 1895.)

An Act to amend sections 632 and 652 of the Code of Civil Procedure.

XIV of 1882.

WHEREAS it is expedient to amend sections 632 and 652 of the Code of Civil Procedure; It is hereby enacted as follows:—

Amendment of section 632, Act XIV, 1882.

1. In section 632 of the said Code, after the word "chapter" the words and figures "and in section 652" shall be added.

Amendment of section 652, Act XIV, 1882.

2. To section 652 of the said Code the following shall be added, namely:—

"Notwithstanding anything in this Code contained, any High Court established under the said Act for establishing High Courts of Judicature in India may make such rules consistent with the Letters Patent establishing it to regulate its own procedure in the exercise of its original civil jurisdiction, as it shall think fit.

"All such rules shall be published in the local official Gazette, and shall thereupon have the force of law."

THE PILGRIM SHIPS ACT, 1895.

CONTENTS.

SECTIONS.

Preliminary.

1. Title.
2. Extent and application.
3. Commencement.
4. Repeal of Act X, 1887, so far as regards pilgrim ships.
5. Definitions.
6. All passengers on pilgrim ships to be deemed pilgrims.

Rules for Voyages of Pilgrim Ships.

7. Pilgrim ships to sail only from places appointed by the Government.
8. Notice to be given of time of sailing.
9. Power to enter on and inspect pilgrim ship.
10. Pilgrim ship not to sail without two certificates.
11. Contents of certificate A.
12. Contents of certificate B.
13. Grant of certificates.
14. Substitute for certificate A.
15. Survey of pilgrim ship.
16. Discretion as to grant of certificate.
17. Copy of certificates to be exhibited.
18. Supply by pilgrims of their own food.
19. Space to be provided for pilgrims.
20. Disposal of pilgrims' baggage.
21. Hospital accommodation.
22. Statement concerning pilgrims to be delivered before ship departs.
23. Deaths on voyage.
24. Pilgrim ship taking additional pilgrims at intermediate place.
25. Statement concerning pilgrims to be delivered before pilgrims disembark in British India.

26. Pilgrim

SECTIONS.

26. Pilgrim ships to be propelled principally by steam and to be of certain tonnage and steam-power.
27. Certain pilgrim ships to carry medical officers and attendants.
28. Medical officers' diaries and reports.
29. Pilgrim ships to touch at Aden on the outward voyage.
30. When authority at Aden may refuse to let ship leave.
31. Bond where pilgrim ship proceeds on outward voyage.
32. Medical inspection and permission required before embarkation of pilgrims.
33. Medical inspection after embarkation in certain cases.
34. Medical inspection of women.
35. Issue and production of tickets and refund of passage-money.
36. Sanitary taxes payable by master of pilgrim ship.

Penalties.

37. Penalty on master or owner for pilgrim ship unlawfully departing or receiving pilgrims on board.
38. Penalty for opposing entry on or inspection of pilgrim ship.
39. Penalty on master or owner for not exhibiting copy of certificates.
40. Penalty on master for not complying with requirements as to statements concerning pilgrims and certain other matters.
41. Penalty on master for fraudulent alteration in pilgrim ship after certificate obtained.
42. Penalty on master for failing to supply pilgrims with prescribed provisions.
43. Penalty on master and owner for carrying pilgrims in excess of authorized number.
44. Penalty on master for landing pilgrim at a place other than that at which he has contracted to land.
45. Penalty on master and owner for making voyage in contravention of contract with pilgrims.
46. Penalty on master and owner of pilgrim ship not propelled principally by steam or of prescribed tonnage or steam-power.
47. Penalty on master of pilgrim ship sailing without medical officer or officers or attendants in contravention of section 27.

SECTIONS.

48. Penalty on master for not obtaining certificate at Aden on outward voyage.
49. Penalty on master receiving or keeping on board pilgrim or article in contravention of section 32 or 33.
50. Penalty on master or medical officer of pilgrim ship disobeying rules under this Act.

Procedure.

51. Adjudication of offences and levy of fine by distress of pilgrim ship.
52. Jurisdiction.
53. Authority to institute proceedings for penalties.
54. Application of fines.
55. Depositions of absent witnesses.

Supplemental.

56. Information to be sent to ports of embarkation and discharge.
57. Report of Consul.
58. Power for Governor General in Council and Local Government to make rules.
59. Temporary continuance of existing rules.
60. Appointment of officers.

ACT No. XIV OF 1895.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 4th October, 1895.*)

An Act to make better provision for the regulation of Pilgrim Ships.

WHEREAS it is expedient to make better provision for the regulation of pilgrim ships; It is hereby enacted as follows:—

Preliminary.

Title.

1. This Act may be called the Pilgrim Ships Act, 1895.

Extent and application.

2. (*1*) It extends to the whole of British India, and applies—

(*a*) to all subjects of Her Majesty within the dominions of Princes and States in India under the suzerainty of Her Majesty;

(*b*) to all native Indian subjects of Her Majesty without and beyond British India; and,

(*c*) subject to the exceptions mentioned in sub-section (*2*), to every pilgrim ship as hereinafter defined.

(*2*) But it does not apply—

(i) to any ship-of-war, troopship, transport or other ship belonging to the Royal Navy or Royal Indian Marine Service, or

(ii) to any other ship for the time being in the service of Her Majesty, or

(iii) to

(iii) to any ship-of-war belonging to any Foreign Prince or State, or

(iv) to any ship not being a pilgrim ship.

Commencement.

3. This Act shall come into force on such day as the Governor General in Council may, by notification in the Gazette of India, appoint in this behalf.

Repeal of Act X, 1887, so far as regards pilgrim ships.

4. On and from that day nothing contained in the Native Passenger Ships Act, 1887, shall apply to any pilgrim ship. X of 1887.

Definitions.

5. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "pilgrim" means a Muhammadan passenger going to, or returning from, the Hedjaz; but it does not include a child under one year of age, and in the computation of pilgrims for all or any of the purposes of this Act the Governor General in Council may, by notification in the Gazette of India, direct that two persons of the age of one year or upwards and under the age of twelve years shall be reckoned as one pilgrim.

Explanation.—A Muhammadan passenger who has embarked with the intention of going to the Hedjaz, but is returning without having actually landed there, shall be deemed to be a pilgrim for the purposes of this Act:

(*2*) "pilgrim ship" means a ship conveying or about to convey pilgrims from or to any port in British India to or from any port in the Red Sea other than Suez:

Provided that no ship carrying passengers other than pilgrims of the lowest class and having on board pilgrims of the lowest class in a less proportion than one pilgrim for every one hundred tons of the gross tonnage of the ship shall be deemed to be a pilgrim ship within the meaning of this Act:

Explanation—A "pilgrim of the lowest class" is a pilgrim for whom no separate accommodation in any cabin, state-room or saloon is reserved:

(*3*) "voyage"

(*3*) "voyage" means the whole distance between a pilgrim ship's port or place of departure and her final port or place of arrival:

(*4*) "Chief Customs-officer" means the chief executive officer of sea-customs for any port or place to which this Act applies:

(*5*) "Magistrate" means a person exercising powers not inferior to those of a Magistrate of the second class: and

(*6*) "prescribed" means prescribed by rules made by the Governor General in Council under this Act.

All passengers on pilgrim ships to be deemed pilgrims.

6. Every passenger, whether a pilgrim or not, on board a pilgrim ship shall be deemed to be a pilgrim for the purposes of this Act.

Rules for Voyages of Pilgrim Ships.

Pilgrim ships to sail only from places appointed by the Government.

7. (*1*) No pilgrim ship shall depart or proceed from, or discharge pilgrims at, any port or place within British India other than a port or place appointed in this behalf by the Local Government.

(*2*) After a pilgrim ship has departed or proceeded on a voyage from a port or place so appointed, no person shall be received on board as a pilgrim except at some other port or place so appointed.

Notice to be given of time of sailing.

8. (*1*) The master, owner or agent of a pilgrim ship so departing or proceeding shall give notice to an officer appointed in this behalf by the Local Government that she is to carry pilgrims, and of her destination, and of the proposed time of sailing.

(*2*) The notice shall be given at the original port of departure if in British India and in other cases at the first port at which she touches in British India, not less than three days, and at all other ports of call not less than twenty-four hours, before that time.

9. After

(*Rules for Voyages of Pilgrim Ships.—Sections 9-12.*)

Power to enter on and inspect pilgrim ship.

9. After receiving the notice, the officer aforesaid or a person authorized by him shall be at liberty at all times to enter on the ship and inspect her and her fittings and the provisions and stores on board.

Pilgrim ship not to sail without two certificates.

10. (*1*) No pilgrim ship shall commence a voyage from a port or place appointed under this Act, unless the master holds two certificates to the effect mentioned in the two next following sections.

(*2*) The officer whose duty it is to grant a port-clearance shall not grant it unless the master holds those certificates.

Contents of certifitate A.

11. The first of the certificates (hereinafter called "certificate A") shall state that the ship is seaworthy and properly equipped, fitted and ventilated, and the number of pilgrims of each class which she is capable of carrying.

Contents of certificate B.

12. The second of the certificates (hereinafter called "certificate B") shall state—

(*a*) the voyage which the ship is to make, and the intermediate ports (if any) at which she is to touch;

(*b*) that she has the proper complement of officers and seamen;

(*c*) that food, fuel and pure water over and above what is necessary for the crew, and the other things (if any) prescribed for pilgrim ships have been placed on board, of the quality prescribed, properly packed, and sufficient to supply the pilgrims on board during the voyage which she is to make (including such detention in quarantine as may be probable) according to the scale for the time being prescribed;

(*d*) that the master holds certificate A;

(*e*) that

(*e*) that she is propelled principally by steam;

(*f*) that she is of the tonnage and steam-power (if any) prescribed;

(*g*) that, if she is to carry more than one hundred pilgrims, she has on board the medical officer, or medical officers, required by section 27 and the prescribed attendants;

(*h*) such other particulars (if any) as may be prescribed.

Grant of certificates.

13. The person by whom certificate A and certificate B are to be granted shall be the officer appointed under section 8.

Substitute for certificate A.

14. Where the master of a pilgrim ship produces to that officer either of the following certificates, namely,—

(*a*) a valid certificate granted by the Board of Trade or by a British Colonial Government, or

(*b*) a certificate granted under the authority of a British Indian Government on a date not more than one year before the proposed day of sailing and in force and applicable to the voyage on which the ship is to proceed or the service on which she is about to be employed,

the officer may, if the particulars required by section 11 are certified thereby, take the certificate as evidence of those particulars, and it shall then be deemed to be a certificate A for the purpose of this Act.

Survey of pilgrim ship.

15. (*1*) After receiving the notice required by section 8, the officer appointed under that section may, if he thinks fit, cause the ship to be surveyed at the expense of the master or owner by competent surveyors, who shall report to him whether she is, in their opinion,

opinion, seaworthy and properly equipped, fitted and ventilated for the conveyance of pilgrims:

Provided that he shall not cause a pilgrim ship holding a certificate mentioned in section 14, clause (*a*) or clause (*b*), to be surveyed unless, by reason of her having met with damage or having undergone alterations, or on any other reasonable ground, he considers it likely that she may be found unseaworthy or not properly equipped, fitted or ventilated for the conveyance of pilgrims.

(*2*) If the officer causes a survey to be made of a pilgrim ship holding any such certificate, and the surveyors report that she is seaworthy and properly equipped, fitted and ventilated for the conveyance of pilgrims, and that there was no reasonable ground why the officer should have thought it likely that she would be found unseaworthy, or not properly equipped, fitted or ventilated for such traffic, the expense of the survey shall be paid by the Local Government.

Discretion as to grant of certificate.

16. (*1*) The officer authorized to grant a certificate under this Act in respect of a pilgrim ship shall not grant it unless he is satisfied that she has on board no cargo likely from its quality, quantity or mode of stowage to prejudice the health or safety of the pilgrims embarked.

(*2*) But save as aforesaid, and subject to the provisions of sub-section (*3*), it shall be in the discretion of the officer to grant or withhold a certificate under this Act.

(*3*) In the exercise of that discretion such officer shall be subject to the control of the Local Government and of any intermediate authority which that Government may appoint in this behalf.

Copy of certificates to be exhibited.

17. The master or owner of every pilgrim ship shall post up in a conspicuous part of her, so as to be visible to persons on board, a copy of each of the

the certificates granted under this Act in respect thereof, and shall keep those copies so posted up throughout the voyage.

Supply by pilgrims of their own food.

18. If an officer appointed in this behalf by the Local Government is satisfied that a pilgrim has brought on board a pilgrim ship for his own use food of the prescribed quality and in the prescribed quantity, the requirements of this Act respecting the supply of food for pilgrims shall not apply so far as regards the supply of food for that pilgrim.

Space to be provided for pilgrims.

19. (*1*) The Governor General in Council may by order prescribe the number of superficial and cubic feet of space (not being less than the space for the time being required for passengers under any Act for the regulation of passenger ships) to be available in the between-decks for pilgrims of each class respectively on board pilgrim ships.

(*2*) Every pilgrim ship shall have reserved for the use of the pilgrims on board gratuitously by day and by night so much of the upper deck as is not required for the airing space of the crew or for permanent structures:

Provided that the upper-deck space available for pilgrims shall in no case be less than six superficial feet for each pilgrim of the age of twelve years or upwards on board.

(*3*) Subject as aforesaid and to any rules which may be made under this Act, such space may be allotted among the different classes of pilgrims in such proportion as may be thought fit:

Provided that not less space shall be allotted to any one class than will provide six superficial feet of space available for each pilgrim of the age of twelve years or upwards of that class on board.

Disposal of pilgrims' baggage.

20. The baggage of all pilgrims shall be disposed of on board in such manner as may be prescribed.

21. There

Hospital accommodation.

21. There shall be a regularly appointed hospital on board every pilgrim ship offering such conditions of security, health and space and capable of accommodating such number, not exceeding five per cent., of the pilgrims embarked, as may be prescribed.

Statement concerning pilgrims to be delivered before ship departs.

22. The master of every pilgrim ship departing or proceeding from any port or place in British India shall sign a statement in duplicate in the prescribed form specifying the total number and the number of each sex of all the pilgrims embarked and the number of the crew, and such other particulars as may be prescribed, and shall deliver both copies to the officer appointed under section 8, who shall thereupon, after having first satisfied himself that the entries are correct, countersign and return to the master one of the copies.

Deaths on voyage.

23. The master of every pilgrim ship shall note in writing on the copy of the statement returned to him under the last foregoing section, and on any additional statement to be made under the next following section, the date and supposed cause of death of any pilgrim who may die on the voyage, and shall, when the pilgrim ship arrives at her port or place of destination or at any port or place at which it may be intended to land pilgrims, and, before any pilgrims disembark, produce the statement, with any additions thereto made, to a person lawfully exercising consular authority on behalf of Her Majesty at the port or place or to the Chief Customs-officer thereat or the officer (if any) appointed there under section 8.

Pilgrim ship taking additional pilgrims at intermediate place.

24. (*1*) In either of the following cases, namely,—

(*a*) if after a pilgrim ship has departed or proceeded on her voyage any additional pilgrims are taken on board at a port or place within British India appointed under this Act for the embarkation of pilgrims, or

(*b*) if

(*b*) if a pilgrim ship upon her voyage touches or arrives at any such port or place, having previously received on board additional pilgrims at any place beyond British India,

the master shall obtain a fresh certificate to the effect of certificate B from the officer appointed at that port or place under section 8, and shall furnish an additional statement in duplicate in the prescribed form respecting such additional pilgrims.

(*2*) All the foregoing provisions of this Act with respect to certificate B and the statement concerning pilgrims to be signed and delivered by the masters of pilgrim ships shall be applicable to any certificate granted or statement furnished under this section.

Statement concerning pilgrims to be delivered before pilgrims disembark in British India.

25. The master of every pilgrim ship arriving at any port or place in British India at which it may be intended to discharge pilgrims shall, before any pilgrims disembark, deliver a statement signed by him, specifying the total number and the number of each sex of all the pilgrims on board and the number of the crew, and such other particulars as may be prescribed, to the officer appointed thereat under section 8.

Pilgrim ships to be propelled principally by steam and to be of certain tonnage and steam-power.

26. Every pilgrim ship shall be propelled principally by steam, and shall be of the tonnage and steam-power (if any) prescribed.

Certain pilgrim ships to carry medical officers and attendants.

27. Every pilgrim ship carrying more than one hundred pilgrims shall have on board a medical officer licensed as prescribed and, if the number carried exceed one thousand, a second medical officer similarly licensed, and also in all cases such attendants as may be prescribed.

28. The

(*Rules for Voyages of Pilgrim Ships.—Sections 28-32.*)

Medical officers' diaries and reports.

28. The medical officer or officers of every pilgrim ship shall keep such diaries and shall submit such reports or other returns as may be prescribed.

Pilgrim ships to touch at Aden on the outward voyage.

29. Every pilgrim ship proceeding from any port in British India other than Aden to any port in the Red Sea shall touch at Aden, and shall not leave that port without having obtained from the proper authority a certificate stating whether any case of cholera has or has not occurred on board since the ship left the port of last departure.

When authority at Aden may refuse to let ship leave.

30. The authority at Aden empowered to grant the certificate required under section 29 may refuse to permit the ship to leave that port if the provisions of this Act or any rule thereunder are not complied with on board such ship.

Bond where pilgrim ship proceeds on outward voyage.

31. In the case of every pilgrim ship proceeding from any port in British India to any port in the Red Sea, the officer whose duty it is to grant a port-clearance shall not grant the clearance unless or until the master, owner or agent and two sureties resident in British India have executed in favour of the Secretary of State for India in Council a joint and several bond, for the sum of five thousand rupees, conditioned—

(*a*) that the ship (if the voyage do not commence at Aden) shall touch at Aden on the outward voyage and there obtain the certificate required by section 29, and

(*b*) that the master and medical officer or officers (if any) shall comply with the provisions of this Act and the rules thereunder.

Medical inspection and permission required before embarkation of pilgrims.

32. (*1*) No pilgrim shall be received on board any pilgrim ship at any port or place in British India unless and until he has been medically inspected, at such time and place, and in such manner, as the Local Government

Government may fix in this behalf, nor until the officer to whom notice has been given under section 8 has given permission for the embarkation of pilgrims to commence.

(*2*) If, in the opinion of the officer making an inspection under this section, any pilgrim is suffering from cholera or choleraic indisposition, or any dangerously infectious or contagious disease, or shows any signs of the same or any other suspicious symptoms, such pilgrim shall not be permitted to embark.

(*3*) All articles which have been contaminated by persons suffering from cholera or choleraic indisposition, or any dangerously infectious or contagious disease, or are suspected of having been so contaminated, shall, before being taken on board a pilgrim ship, be disinfected, under the supervision of a medical officer appointed by the Local Government for the purpose, in such manner as may be prescribed.

Medical inspection after embarkation in certain cases.

33. (*1*) If in any case a pilgrim ship does not proceed on her voyage within forty-eight hours after all the pilgrims have been received on board, and there is reason to suspect that any person on board is suffering from cholera or choleraic indisposition or any dangerously infectious or contagious disease, a medical inspection of all persons on board may be held in such manner as the Local Government may direct.

(*2*) If on such inspection any person is found to be suffering from cholera or choleraic indisposition or any dangerously infectious or contagious disease, or shows any signs of the same or any other suspicious symptoms, he shall, together with all articles belonging to him, be at once removed from the ship.

Medical inspection of women.

34. So far as may be practicable, and subject to any rules which may be made under this Act, the medical inspection of female pilgrims shall be carried out by women.

35. (*1*) Every

(*Rules for Voyages of Pilgrim Ships.—Sections 35-36. Penalties.—Section 37.*)

Issue and production of tickets and refund of passage-money.

35. (*1*) Every pilgrim shall be entitled on payment of his passage-money and fulfilment of the other prescribed conditions (if any) to receive a ticket in the prescribed form, and shall be bound to produce the same to such officers and on such occasions as may be prescribed, and otherwise to deal with the same in the prescribed manner.

(*2*) Every pilgrim prevented from embarking under section 32 or removed from the ship under section 33 or otherwise prevented from proceeding shall be entitled to the refund of any passage-money he may have paid, subject to any conditions or deductions which may be prescribed.

Sanitary taxes payable by master of pilgrim ship.

36. The master of every pilgrim ship shall be bound to pay the whole amount of the sanitary taxes imposed by lawful authority at the ports visited if and so far as such taxes are included in the cost of the tickets issued to the pilgrims.

Penalties.

Penalty on master or owner for pilgrim ship unlawfully departing or receiving pilgrims on board.

37. (*1*) If a pilgrim ship departs or proceeds on a voyage from, or discharges passengers at, any port or place within British India in contravention of the provisions of section 7, sub-section (*1*), or section 10, the master or owner shall for every passenger carried in the ship, or so discharged (as the case may be), be punished with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to one month, or with both.

(*2*) If any person is received as a pilgrim on board a pilgrim ship in contravention of the provisions of section 7, sub-section (*2*), the master or owner shall for every such pilgrim be liable to such punishment as is specified in sub-section (*1*).

(*3*) In either of the said cases the ship, if found within

within two years in any port or place within British India, may be seized and detained by a Chief Customs-officer until the penalties incurred under this Act by her master or owner have been adjudicated, and the payment of the fines imposed on him under this Act, with all costs, has been enforced, under the provisions of this Act:

Provided that the aggregate term of imprisonment awarded under this section shall not exceed one year.

Penalty for opposing entry on or inspection of pilgrim ship.

38. If any one impedes or refuses to allow any entry or inspection authorized by or under this Act, he shall be punished with fine which may extend to five hundred rupees for each offence, or with imprisonment for a term which may extend to three months, or with both.

Penalty on master or owner for not exhibiting copy of certificates.

39. If the master or owner of a pilgrim ship without reasonable excuse, the burden of proving which shall lie upon him, fails to comply with the requirements of section 17 with respect to the posting of copies of certificates, he shall be punished with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to one month, or with both.

Penalty on master for not complying with requirements as to statements concerning pilgrims and certain other matters.

40. If the master of a pilgrim ship fails to comply with any of the requirements of section 22, section 23 or section 25 as to the statements concerning pilgrims, or wilfully makes any false entry or note in or on any such statement, or fails to obtain any such fresh certificate or to make any such statement of the number of additional pilgrims as is mentioned in section 24, he shall be punished with fine which may extend to five hundred rupees for every such offence, or with imprisonment for a term which may extend to three months, or with both.

Penalty on master for fraudulent alteration in

41. If the master of a pilgrim ship, after having obtained any of the certificates mentioned in section 10 or section 24, fraudulently does or suffers to be done

pilgrim ship after certificate obtained.

done anything whereby the certificate becomes inapplicable to the altered state of the ship, the pilgrims on board or other matters to which the certificate relates, he shall be punished with fine which may extend to two thousand rupees, or with imprisonment for a term which may extend to six months, or with both.

Penalty on master for failing to supply pilgrims with prescribed provisions.

42. If the master of a pilgrim ship without reasonable excuse, the burden of proving which shall lie upon him, omits to supply to any pilgrim the prescribed allowance of food, fuel and water, he shall be punished with fine which may extend to twenty rupees for every pilgrim who has sustained detriment by the omission.

Penalty on master and owner for carrying pilgrims in excess of authorized number.

43. (*1*) If a pilgrim ship has on board a number of pilgrims greater either than the number allowed under this Act or than the number allowed by the license or certificate (if any) granted at her port or place of departure, whichever shall be the smaller, the master and owner shall, for every pilgrim in excess of that number, be each punished with fine which may extend to twenty rupees, and the master shall further be liable to imprisonment for a term which may extend to one week in respect of each such pilgrim: Provided that the aggregate term of imprisonment awarded under this section shall not exceed six months.

(*2*) Any officer authorized in this behalf by the Local Government may cause all pilgrims over and above the number allowed under this Act or by such license or certificate as aforesaid to disembark, and may forward them to any port at which they may have contracted to land, and recover the cost of so forwarding them from the master or owner of the ship as if the cost were a fine imposed under this Act, and a certificate under the hand of that officer shall be conclusive proof of the amount of the cost aforesaid.

44. If

Penalty on master for landing pilgrim at a place other than that at which he has contracted to land.

44. If the master of a pilgrim ship lands any pilgrim at any port or place other than the port or place at which such pilgrim may have contracted to land unless with his previous consent or unless the landing is made necessary by perils of the sea or other unavoidable accident, he shall for every such offence be punished with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to one month, or with both.

Penalty on master and owner for making voyage in contravention of contract with pilgrims.

45. If a pilgrim ship, otherwise than by reason of perils of the sea or other unavoidable accident, touches at any port or place in contravention of any express or implied contract or engagement with the pilgrims with respect to the voyage which the ship was to make and the time which that voyage was to occupy, whether the contract or engagement was made by public advertisement or otherwise, the master and owner shall each be punished with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to three months, or with both.

Penalty on master and owner of pilgrim ship not propelled principally by steam or of prescribed tonnage or steam-power.

46. If a pilgrim ship is not propelled principally by steam or is not of the prescribed tonnage or steam-power as required by section 26, the master and owner shall each be punished with fine which may extend to five hundred rupees, or with imprisonment which may extend to three months, or with both.

Penalty on master of pilgrim ship sailing without medical officer or officers or attendants in contravention of section 27.

47. If a pilgrim ship carrying more than one hundred pilgrims has not on board a medical officer, or two medical officers if the number of pilgrims carried exceed one thousand, and also the prescribed attendants as required by section 27, the master shall be punished with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to three months, or with both.

48. If

(*Penalties.—Sections 48-50. Procedure.—Section 51.*)

Penalty on master for not obtaining certificate at Aden on outward voyage.

48. If the master of a pilgrim ship proceeding from any port in British India other than Aden to any port in the Red Sea, without reasonable excuse, the burden of proving which shall lie upon him, fails to touch at Aden, or leaves that port without having obtained the certificate required by section 29, he shall for every such offence be punished with fine which may extend to two thousand rupees, or with imprisonment for a term which may extend to six months, or with both.

Penalty on master receiving or keeping on board pilgrim or article in contravention of section 32 or 33.

49. If the master of a pilgrim ship knowingly receives on board any pilgrim or any contaminated article in contravention of the provisions of section 32, or keeps on board any pilgrim or article ordered to be removed under section 33, he shall be punished with fine which may extend to five hundred rupees for each pilgrim or fifty rupees for each article so received or kept on board, or with imprisonment which may extend to three months, or with both.

Penalty on master or medical officer of pilgrim ship disobeying rules under this Act.

50. If the master or the medical officer (if any) of a pilgrim ship, without reasonable excuse, the burden of proving which shall lie upon him, breaks, or omits or neglects to obey, any rule under this Act, he shall be punished with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to three months, or with both.

Procedure.

Adjudication of offences and levy of fine by distress of pilgrim ship.

51. (*1*) Offences against this Act shall be punishable by a Magistrate.

(*2*) If the person on whom a fine is imposed under this Act is the master or owner of a pilgrim ship, and the fine is not paid at the time and in the manner prescribed by the order of payment, the Magistrate may, in addition to the ordinary means prescribed by law for enforcing payment by warrant, direct

direct the amount remaining unpaid to be levied by distress and sale of such pilgrim ship, her tackle, furniture and apparel.

Jurisdiction.

52. For the purpose of the adjudication of penalties under this Act, every offence against its provisions shall be deemed to have been committed within the limits of the jurisdiction of the Magistrate of the place where the offender is found.

Authority to institute proceedings for penalties.

53. The penalties to which masters and owners of pilgrim ships are made liable by this Act shall be enforced only on information laid at the instance of officers appointed to grant certificates under this Act, or, at any port or place where there is no such officer, at the instance of the Chief Customs-officer.

Application of fines.

54. A Magistrate imposing a fine under this Act may, if he thinks fit, direct the whole or any part thereof to be applied in or towards compensating any person for any detriment which he may have sustained by the act or default in respect of which the fine is imposed, or in or towards payment of the expenses of the prosecution, or in rewarding any person upon whose information the conviction took place or who has been otherwise instrumental in the detection or prosecution of the offender.

Depositions of absent witnesses.

55. (*1*) Whenever in the course of any legal proceeding under this Act the testimony of a witness is required in relation to the subject-matter of the proceeding, any deposition which he may have previously made in relation to the same subject-matter before any Justice or Magistrate in Her Majesty's dominions (including all parts of India other than those subject to the same Local Government as the port or place where the proceeding is instituted), or before any British consular officer elsewhere, shall be admissible in evidence on proof that the witness cannot be found within the jurisdiction of the Court in which the proceeding is instituted:

Provided

Provided that the deposition shall not be admissible unless—

(*a*) it is authenticated by the signature of the Justice, Magistrate or consular officer;

(*b*) it was made in the presence of the person accused; and

(*c*) the fact that it was so made is certified by the Justice, Magistrate or consular officer.

(*2*) It shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition; and in any criminal proceeding such certificate as aforesaid shall, unless the contrary is proved, be sufficient evidence of the accused having been present in manner thereby certified.

Supplemental.

Information to be sent to ports of embarkation and discharge.

56. (*1*) The Chief Customs-officer or other officer (if any) appointed by the Local Government in this behalf at any port or place within British India at which a pilgrim ship touches or arrives shall, with advertence to the provisions of this Act, send any particulars which he may deem important respecting such pilgrim ship and the pilgrims carried therein to the officer at the port or place from which she commenced her voyage, and to the officer at any other port or place within British India where the pilgrims or any of them embarked or are to be discharged.

(*2*) The Chief Customs-officer or other officer (if any) appointed by the Local Government in this behalf at any port or place in British India at which a pilgrim ship touches or arrives may enter on the ship and inspect her in order to ascertain whether the provisions of this Act as to the number of pilgrims and other matters have been complied with.

57. In

Report of Consul.

57. In any proceeding for the adjudication of any penalty incurred under this Act any document purporting to be a report of such particulars as are referred to in sub-section (*l*) of the last foregoing section, or a copy of the proceedings of any Court of Justice duly authenticated, and also any like document purporting to be made and signed by any person lawfully exercising consular authority on behalf of Her Majesty in any foreign port, shall be received in evidence, if it appears to have been officially transmitted to any officer at or near the place where the proceeding under this Act is had.

Power for Governor General in Council and Local Government to make rules.

58. (*1*) The Governor General in Council may make rules consistent with this Act to regulate all or any of the following matters :—

(*a*) the boats, anchors and cables to be provided on board pilgrim ships;

(*b*) the instruments for purposes of navigation to be supplied;

(*c*) the apparatus for the purpose of extinguishing fires on board and the precautions to be taken to prevent and deal with such fires;

(*d*) the provision of appliances for saving life and of means for making signals of distress, and the supply of lights inextinguishable in water and fitted for attachment to life-buoys;

(*e*) the fittings and other appliances to be provided in the upper and between-decks for the comfort and convenience of pilgrims;

(*f*) the scale on which and manner in which food, fuel and water are to be supplied to pilgrims, and the quality of such food, fuel and water;

(*g*) the

(*g*) the quality, quantity and storage of the cargo to be carried;

(*h*) the allotment of the upper-deck space between the various classes of pilgrims;

(*i*) the amount and distribution of the baggage of pilgrims;

(*j*) the nature and the extent of the hospital accommodation and the medical stores, disinfectants, and other appliances and fittings to be provided on board for maintaining health, cleanliness and decency;

(*k*) the form of the statements to be furnished by the master under sections 22 and 25 and the particulars to be entered therein;

(*l*) the tonnage and steam-power to be required in the case of pilgrim ships, and the voyages to which and seasons at which such rules shall respectively apply;

(*m*) the licensing and appointment of medical officers and other attendants in cases where they are required by this Act to be carried, and the diaries, reports and other returns to be kept or submitted by such medical officers;

(*n*) the manner in which contaminated articles shall be disinfected before being taken on board a pilgrim ship;

(*o*) the manner in which and the persons by whom the medical inspection of women shall be carried out;

(*p*) the supply of tickets to intending pilgrims, the form of such tickets and the conditions and other matters to be specified thereon, and the amount of the

sanitary

sanitary taxes to be included in the cost thereof;

(*q*) the refund of passage-money to intending pilgrims who may not be permitted to embark or who having embarked may be removed from the ship under the powers conferred by sections 32 and 33 or who may otherwise for any unavoidable cause be prevented from proceeding in any pilgrim ship;

(*r*) the functions of the master, medical officer or officers (if any) and other officers during the voyage; and,

(*s*) generally, to carry out the purposes of this Act.

(*2*) The Local Government may, with the previous sanction of the Governor General in Council, make rules consistent with this Act to regulate—

(*a*) the local limits within which, and the time and mode at and in which, pilgrims shall be embarked or discharged at any port or place appointed under this Act in that behalf; and

(*b*) the time within which a pilgrim ship shall depart or proceed on her voyage after commencing to take pilgrims on board.

(*3*) In making a rule under this section the authority making it may direct that a breach of it shall be punishable with fine which may extend to two hundred rupees, and when the breach is a continuing breach with a further fine which may extend to twenty rupees for every day after the first during which the breach continues.

(*4*) The power to make rules under this section is subject to the condition of the rules being made after previous publication.

59. All

(*Supplemental.—Sections 59-60.*)

Temporary continuance of existing rules.

59. All rules heretofore made under the Native Passenger Ships Act, 1887, shall, so far as consistent with this Act, continue to be applicable to pilgrim ships unless and until they shall be superseded or altered by rules under this Act. X of 1887.

Appointment of officers.

60. The Local Government shall appoint such persons as it may think fit to exercise and perform the powers and duties which are conferred and imposed by this Act or may be conferred and imposed thereunder.

ACT No. XV OF 1895.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 10th October, 1895.)

An Act to explain the Transfer of Property Act, 1882, so far as relates to grants from the Crown, and to remove certain doubts as to the powers of the Crown in relation to such grants.

IV of 1882.

WHEREAS doubts have arisen as to the extent and operation of the Transfer of Property Act, 1882, and as to the power of the Crown to impose limitations and restrictions upon grants and other transfers of land made by it or under its authority, and it is expedient to remove such doubts; It is hereby enacted as follows :—

Title, extent and commencement.

1. (*1*) This Act may be called the Crown Grants Act, 1895.

(*2*) It extends to the whole of British India; and

(*3*) It shall come into force at once.

IV of 1882.

Transfer of Property Act, 1882, not to apply to Crown grants.

2. Nothing in the Transfer of Property Act, 1882, contained shall apply or be deemed ever to have applied to any grant or other transfer of land or of any interest therein heretofore made or hereafter to be made by or on behalf of Her Majesty the Queen-Empress, her heirs or successors, or by or on behalf of the Secretary of State for India in Council to, or in favour of, any person whomsoever; but every such grant and transfer shall be construed and take effect as if the said Act had not been passed.

Crown grants to take effect according to their tenor.

3. All provisions, restrictions, conditions and limitations over contained in any such grant or transfer as aforesaid shall be valid and take effect according to their tenor, any rule of law, statute or enactment of the Legislature to the contrary notwithstanding.

ACT No. XVI OF 1895.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 10th October, 1895.)

An Act to repeal certain obsolete Enactments and to amend certain other Enactments.

WHEREAS it is expedient that certain enactments specified in the first schedule to this Act, which are spent, or have ceased to be in force otherwise than by express, specific repeal, or have by lapse of time or otherwise become unnecessary, should be expressly and specifically repealed;

And whereas it is also expedient that certain formal amendments should be made in the enactments specified in the second schedule to this Act;

It is hereby enacted as follows:—

Title, extent and commencement.

1. (*1*) This Act may be called the Repealing and Amending Act, 1895.

(*2*) It extends to the whole of the territories administered by the Governor of Bombay in Council; and

(*3*) It shall come into force at once.

Enactments in first and second schedules repealed and amended respectively.

2. (*1*) The enactments specified in the first schedule are hereby repealed to the extent mentioned in the fourth column thereof.

(*2*) The enactments specified in the second schedule shall be modified to the extent and in the manner mentioned in the fourth column thereof.

Savings.

3. The repeal by this Act of any enactment shall not affect any Statute, Act or Regulation in which such enactment has been applied, incorporated or referred to;

and

and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing;

nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed by, recognized in or derived from any enactment hereby repealed;

nor shall the repeal by this Act of any enactment provide or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

THE

THE FIRST SCHEDULE.

ENACTMENTS REPEALED.

A description or citation of a portion of an Act or Regulation includes the words, section or other part mentioned or referred to as forming the beginning or as forming the end of the portion comprised in such description or citation.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
		Part I.—Acts of the Governor General in Council.	
1860 .	XLVIII	Police, Bombay Town .	In section 7, *the words from* and, if the offender *to the end of the section.* Section 27.
1876 .	X	Bombay Revenue Jurisdiction Act, 1876.	Section 1, clause (*c*).
„ .	XX	Bhaunagar Act, 1876 .	Section 3.
1879 .	XVII	Dekkhan Agriculturists' Relief Act, 1879.	In section 3, clause (*a*), *the words and figures* on or after the first day of November, 1879. In clause (*b*) of the same section, *the words* and instituted on or after the same date. In section 5, *the words and figures from* and any such jurisdiction *to the end of the section.*
1881 .	XXIII	Dekkhan Agriculturists' Relief Act, 1881.	Sections 6 and 8.
1882 .	XXII	Dekkhan Agriculturists' Relief Act, 1882.	Sections 3, 7, 11 and 12. In section 14, *the word and figures* and 52.
1886 .	XXIII	Dekkhan Agriculturists' Relief Act, 1886.	Section 4.
1889 .	XIV	Indemnity to certain witnesses.	The whole.
		Part II.—Acts of the Governor of Bombay in Council.	
1863 .	II	Exemptions from land-revenue.	In section 11, clause First, *the words* of the same. Section 12.

THE FIRST SCHEDULE—*continued.*

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
		Part II.—Acts of the Governor of Bombay in Council—continued.	
1863 .	III	Satara, etc.	In the title, *the words from* certain lands *to* taluka Kundapur. In the preamble, *the words and figures from* and whereas lands *to* it is expedient that the district so transferred should be brought under the Regulations and Acts of the Presidency of Bombay. Section 4, clause *Second*.
1865 .	III	Wagers	Section 4.
1866 .	I	Extending Bombay Act I of 1865 to Sind.	The whole.
„ .	VIII	Sale of Poisons . .	In sections 3, 4 and 13, *the word* the *where it occurs before the word* Schedule.
„ .	XII	Sind Courts . . .	Sections 13 and 14.
„ .	XIV	Edulábád and Warangaon	In section 3, *the words and figures from* as amended *to* Bombay.
1871 .	II	Duties on non-agriculturists.	So much as has not been repealed.
1872 .	II	Repayment of loan to Bombay Corporation.	So much as has not been repealed.
1873 .	VI	Bombay District Municipal Act.	In the heading to Part VIII, *the word* Appeals. Section 21, clause (*d*).
1874 .	III	Bombay Hereditary Offices Act.	In section 77, *the word* Revenue. Section 14, clause (*2*). Section 15, clause (*2*).
1875 .	III	Tolls on Roads and Bridges.	Section 2. In section 3, *the words from* Until such rates *to* this Act.
1876 .	III	Mamlatdars' Courts Act, 1876.	In section 3, clause (*1*), *the words and figures from* or who *to the end.*

THE FIRST SCHEDULE—*continued.*

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
Part II.—Acts of the Governor of Bombay in Council—continued.			
1877 .	I	Bombay Vaccination Act, 1877.	In section 7, *the word* and *at the end of the second paragraph, and the whole of the third paragraph.*
1878 .	V	Bombay Abkari Act, 1878	Section 2 and the schedule. In section 3, clause (*9*), *the word* Indian. Sections 64, 65 and 66.
1879 .	IV	Karachi Vaccination Act, 1879.	In section 7, *the word* and *at the end of the second paragraph, and the whole of the third paragraph.*
.	V	Bombay Land-revenue Code, 1879.	In section 1, the last two sentences. The fourth paragraph of section 4, and the third paragraph of section 7. In sections 8 and 11, *the words* of the district, *and* in section 10 *the words* of a district. In section 12, the last sentence. In section 14, the last sentence. In section 17, *the words from* and, pending *to* required to keep. In section 22, the last sentence. In section 132, the last sentence. Schedule A, so far as it relates to Bombay Act I of 1866.
„ .	VII	Bombay Irrigation Act, 1879.	Section 33.
1880 .	III	Repealing certain sections of Bombay Act VII of 1879.	The whole.
1882 .	I	Repealing Bombay Act VII of 1878.	The whole.
„ .	VII	Bombay Landing and Wharfage Fees Act, 1882.	In section 4, *the words* the Commissioner in Sind, the Political Resident at Aden and. Section 11.
1883 .	V	Bombay Public Authorities' Seals Act, 1883.	In the preamble, *the words and figures from* to extend *to* so as, *and the words* other *and* besides Magistrates. In section 3, *the words* Courts and other.

THE FIRST SCHEDULE—*continued.*

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
Part II.—Acts of the Governor of Bombay in Council—continued.			
1884	I	Bombay Local Boards Act, 1884.	In section 44, clause (*d*), *the words and figures* or by order of the Governor in Council under section 42.
	II	Bombay District Municipal Act Amendment Act, 1884.	The second proviso to section 3.
1885		Legalizing the payment by the Trustees of the Port of Bombay of certain arrears of interest due to the Government.	The whole.
	IV	Amendment of Bombay Acts I (Local Boards) and II (District Municipalities) of 1884.	Sections 2 and 4.
1886		Bombay General Clauses Act, 1886.	Section 2, first paragraph. In section 3, clause (5), *the words* other than the Settlement of Prince of Wales' Island, Singapore and Malacca. So much of Schedule A as has not been repealed. So much of Schedule B as relates to Bombay Acts I of 1862, V of 1862, VI of 1862, I of 1863, III of 1863, V of 1863, VI of 1863, VII of 1866, VIII of 1866, XII of 1866, XIII of 1866, VI of 1867, II of 1868, III of 1869, II of 1871, I of 1872, VI of 1873, I of 1874, II of 1874, III of 1874, III of 1875, II of 1876, III of 1876, I of 1877, IV of 1879, V of 1879, VI of 1879, VII of 1879, I of 1880, I of 1883, II of 1883, I of 1884 and II of 1884.
1886	V	Hereditary Offices (amending Bombay Act III of 1874).	Section 4.
1887	IV	Bombay Prevention of Gambling Act, 1887.	Section 2 and the schedule.

THE FIRST SCHEDULE—*continued.*

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
		Part II.—Acts of the Governor of Bombay in Council—continued.	
1888 .	I	Amendment of Bombay Acts I (Local Boards) and II (District Municipalities) of 1884.	Section 2.
„ .	III	City of Bombay Municipal Act, 1888.	In section 5, *the words and figures* On and after the first day of April, 1889. Section 6, sub-section (*1*). In section 19, sub-section (*1*), *the words and figures* On or before the first day of October, 1888, and *also the word* thereafter. Section 22, sub-section (*2*). In section 34, in sub-section (*1*), *the words* not being one of the first general elections held in accordance with this Act, *and*, in sub-section (*2*) *the words* of a first general election held in accordance with this Act, or. In section 35, the whole of sub-section (*1*) and the first word of sub-section (*2*). In section 39, in sub-section (*2*), the first sentence, *and the words* then or thereafter; *and*, in sub-section (*3*), the first sentence *and the word* thereafter. In section 79, sub-section (*1*), *the words* as soon as may be after this Act comes into force, and afterwards. The whole of Schedule R except section 7 thereof.
„ .	IV	City of Bombay Municipal Act Amendment Act, 1888.	Section 7.
„ .	V	Aden Port Trust Act, 1888	Section 9. In section 19, *the words from* Until a schedule *to* directed under this Act. In section 25, sub-section (*1*), *the words and figure* upon and after the date notified by the Governor in Council under section 9. In sections 37 and 39, *the words* after the date on which this Act comes into force.

THE FIRST SCHEDULE—*continued.*

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
		***Part II.—Acts of the Governor of Bombay in Council*—concluded.**	
1888 .	V —*contd.*		In section 40, sub-section (*3*), *the figures* 1881. Section 40, sub-section (*4*). Section 81.
„ .	VI	Gujarát Taluqdars Act, 1888.	Section 3.
1890 .	II	Bombay Salt Act, 1890 .	In section 1, sub-section (*2*), *the words from* but *to* in this behalf. Section 9.
„ .	IV	Bombay District Police Act, 1890.	In section 2, first paragraph, the last fifteen words. Section 82.
1891 .	I	Amendment of the Bombay General Clauses Act, 1886.	Section 1.
„ .	II	Bombay Boiler Inspection Act, 1891.	In section 28, clause (*c*), *the words* to the inspector.
1892 .	I	Bombay District Vaccination Act, 1892.	Section 33, sub-section (*2*).
		Part III.—Regulations of the Bombay Code.	
1827 .	II	Pleaders . . .	In section 50, clause Third, *the words and figures from* under the rules *to* Regulation. In section 51, clause Second, *the words* rules contained in the *and the words and figures* according to section 56 of this Regulation. In section 56, *the words and figures from* under the rules *to* Regulation.
1834 .	I	Abolition of office of Deputy Agent for Sardars in Dekkhan.	So much as has not been repealed.

THE FIRST SCHEDULE—*concluded.*

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
		Part IV.—Regulations made under 33 Vict., c. 3.	
1887 .	XI	Aden Pilgrims and Paupers Regulation, 1887.	Section 2, clause (*1*).
1892 .	III	Sind Frontier Regulation, 1892.	Section 2, sub-section (*1*).

THE

THE SECOND SCHEDULE.

ENACTMENTS AMENDED.

1	2	3	4
Year.	No.	Subject or title.	Amendment.
		Part I.—Acts of the Governor of Bombay in Council.	
1863 .	II	Exemptions from land-revenue.	In section 5, clause *First*, first proviso, *for* or *after* nazráná *read* on. In section 11, clause *Third*, *for* collectorate *read* district.
„ .	V	Bombay Gas Company .	In section 7, *for the words and figures* under Act XIV of 1856 *read* in Municipalities under the law for the time being in force.
„ .	VI	Public Conveyances (Bombay Town, Suburbs and Harbour).	In section 18, *for* laws *read* law.
„ .	VII	Exemptions from land-revenue.	In section 18, clause *Second*, and section 19, clause *Fifth*, *for* the Stamp Act *read* the Court-fees Act, 1870.
1867 .	VI	Sanitary Regulation, Bombay City.	In section 4, *for* the appended schedule *read* Schedule A. In section 8, *between the words* may *and* require *insert* by an order in writing in the form given in Schedule B.
1869 .	III	Bombay Local Funds Act, 1869.	In section 7, *after* defined in *insert* the. In section 7, clause 1, *after* laid down in *insert* the. In section 8, *after* occupants of land under *insert* the.
1873 .	VI	Bombay District Municipal Act.	In section 53, clause 1, *for* quarry *read* quay.
1874 .	III	Bombay Hereditary Offices Act.	In the definition of "officiator" in section 4, *after* provisions *insert* of this Act. In section 10, *after* the date *insert* of this Act. In section 73, clause 2, *after* provisions *insert* of this Act.
1876 .	II	Bombay City Land-revenue Act, 1876.	In section 6, *for* in India *read* of India.

THE SECOND SCHEDULE—*continued.*

1	2	3	4
Year.	No.	Subject or title.	Amendment.
Part I.—Acts of the Governor of Bombay in Council—continued.			
1877	I	Bombay Vaccination Act, 1877.	In section 3, *after* purposes *insert* of this Act. In section 28, *for* in the manner prescribed by Act XIII of 1856 (*for regulating the Police of the towns of Calcutta, Madras and Bombay*) and Act XLVIII of 1860 (*to amend Act XIII of 1856*) or any other Act for the time being in force regulating the Police of the City of Bombay, *read* in the manner provided by the law for the time being in force for the recovery of fines imposed by Criminal Courts. In Schedule D, *for* ten rupees *read* fifty rupees.
1879	IV	Karachi Vaccination Act, 1879.	In section 20, *for* to *where the word occurs before* fine *read* with. In Schedule D, *for* ten rupees *read* fifty rupees.
"	V	Bombay Land-revenue Code, 1879.	In section 61, *for* an incomplete portion *read* a portion. In section 99, clause (*b*), *for* their, *the first time that word occurs, read* the. In the second paragraph of section 104, *before* revised *insert* original or. In section 211, *for the word* and *where it precedes the words* Assistant Superintendent of Survey *read* an.
1882	IV	Bombay Town Police (amending Act XLVIII of 1860).	In section 1, *for the words and figures* sections are substituted for sections 17 and 18 of Act XLVIII of 1860, which are, *read* section is substituted for section 18 of Act XLVIII of 1860, which is.
"	VII	Landing and Wharfage Fees.	In section 2, *for the words* It shall extend—(*a*) to the Ports of Karachi and Aden; (*b*) to any other ports *read* it shall extend to any ports.
1883	I	Bombay Highway Act, 1883.	In section 5, *for* municipalities *read* municipality.

THE SECOND SCHEDULE—*concluded.*

1	2	3	4
Year.	No.	Subject or title.	Amendment.
Part I.—Acts of the Governor of Bombay in Council—concluded.			
1884 .	II	Bombay District Municipal Act Amendment Act, 1884.	In section 4, clause (*3*), *before* coming *and before* and the like *insert* of this Act.
1886 .	III	Bombay General Clauses Act, 1886.	In column 4 of Schedule R, *opposite* Act VII of 1867, section 44, *after* of Police *insert* (where the words first occur).
1888 .	III	City of Bombay Municipal Act, 1888.	In section 35, sub-section (*2*), *for* appointment *read* appointments. In section 471, *for* 418 *read* 428.
,,	V	Aden Port Trust Act, 1888	In section 19, in clause (*c*) of the proviso, *for the words* day aforesaid *read* 31st March, 1889, *and for the words and figure* date notified by the Governor in Council under section 9 *read* 1st April, 1889. In section 20, in clause (*b*) of the proviso, *for the words and figure* date notified by the Governor in Council under section 9 *read* 1st April, 1889.
Part II.—Regulations of the Bombay Code.			
1827 .	II	Pleaders . . .	In section 51, *for* dismission *read* dismissal.
1830 .	VII	Southern Maratha Country	In the preamble, *for the words and figures* Regulations XXIX and XXX *read* Regulation XXIX. In section 2, *for the words and figures* Regulations XXIX of 1827 and XXX of 1827 *read* Regulation XXIX of 1827, *and for the words* the following sections *read* section 5.

ACT No. XVII OF 1895.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 10th October, 1895.)

An Act to validate certain marriages solemnized in the Civil and Military Station of Bangalore.

WHEREAS the Reverend James Gillings, a Minister of the Wesleyan Mission, was, in the year 1871, granted by the Governor of Madras in Council a license, under the provisions of section 8 of the Indian Marriage Act, 1865, to solemnize marriages between persons, one or both of whom professed the Christian religion, "within the territories subject to the Government of Madras";

V of 1865.

And whereas the said James Gillings has, in the belief that he was duly authorised so to do by virtue of the said license, solemnized certain marriages in the Civil and Military Station of Bangalore between certain Christian subjects of Her Majesty;

And whereas the parties to the said marriages all *bonâ fide* believed that the said James Gillings was duly authorised to solemnize the same, and that such marriages were valid in law;

And whereas the said Civil and Military Station of Bangalore was not at the time when such marriages were solemnized, and is not, part of "the territories subject to the Government of Madras", and the said James Gillings had, therefore, no authority to solemnize the said marriages;

And whereas it is expedient that the said marriages, having been solemnized in good faith, should be validated;

It

It is hereby enacted as follows:—

Commencement.

1. This Act shall come into force at once.

Validation of certain irregular marriages.

2. All marriages between Christian subjects of Her Majesty which have already been solemnized in the Civil and Military Station of Bangalore by the said Reverend James Gillings shall be, and shall be deemed to have been with effect from the date of the solemnization of each respectively, as good and valid in law as if such marriages had been solemnized within the territories subject to the Government of Madras.

Validation of records of the said irregular marriages.

3. Certificates of marriages which are declared by the last foregoing section to be good and valid in law, and register-books and certified copies of true and duly authenticated extracts therefrom, deposited in compliance with the provisions of the Indian Christian Marriage Act, 1872, in so far as the register-books and extracts relate to such marriages as aforesaid, shall be received as evidence of such marriages as if such marriages had been duly solemnized under Part I of the said Act.

XV of 1872.

ACT No. XVIII OF 1895.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 19th October, 1895.*)

An Act to amend the Lower Burma Village Act, 1889, and the Lower Burma Towns Act, 1892.

WHEREAS it is expedient to amend the Lower Burma Village Act, 1889, and the Lower Burma Towns Act, 1892; It is hereby enacted as follows:— III of 1889. IX of 1892.

Lower Burma Village Act, 1889.

Amendment of section 6, Act III, 1889.

1. In section 6, sub-section (*1*), of the Lower Burma Village Act, 1889, for clause (*g*) the following shall be substituted, namely:— III of 1889.

"(*g*) to collect and furnish, upon receipt of payment for the same in advance at such rates as the Deputy Commissioner, with the sanction of the Commissioner, may from time to time fix, guides, supplies of food, carriage and means of transport for any troops or police posted in or near or marching through the village or any servant of the Government travelling on duty and, on the written order of the Deputy Commissioner, for any traveller:

Provided that no headman shall be bound to collect supplies beyond the limits of the village of which he is headman, or to furnish carriage or means of transport for more than twelve hours' journey from such village:

Provided

Provided also that no headman shall requisition for personal service any resident of such village who is not of the labouring class and accustomed to do such work as may be required.

Explanation.—A servant of the Government proceeding on or returning from authorised leave shall be deemed to be on duty for the purposes of this clause."

Insertion of new section after section 13, Act III, 1889.

2. After section 13 of the said Act the following section shall be inserted, namely :—

Penalty for holding, promoting or taking part in unlicensed *pwès*.

"13A. (*1*) Whoever holds a *pwè* in any village, without a license granted by the Deputy Commissioner or by an officer appointed by the Deputy Commissioner in this behalf, or promotes the holding of, or takes part in, a *pwè* held without such license, shall be punished, on conviction by a Magistrate, with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

(*2*) No fee shall be paid on the application for, or on the issue of, the license required by sub-section (*1*)."

Amendment of section 22, Act III, 1889.

3. In section 22, sub-section (*1*), clause (*a*), of the said Act, after the words "conferring on" the words "headmen or on" shall be inserted.

Lower Burma Towns Act, 1892.

Amendment of sections 6 and 7, Act IX, 1892.

4. In sections 6 and 7 of the Lower Burma Towns Act, 1892, after the word "liable" in each section the words "on conviction by a Magistrate" shall be inserted.

IX of 1892.

Insertion of new section after section 7, Act IX, 1892.

5. After section 7 of the said Act the following section shall be inserted, namely :—

Penalty for holding, promoting

"7A. (*1*) Whoever holds a *pwè* in any town without a license granted by the Deputy Commissioner or by

or taking part in unlicensed *pwès.*

by an officer appointed by the Deputy Commissioner in this behalf, or promotes the holding of, or takes part in, a *pwè* held without such license, shall be punished, on conviction by a Magistrate, with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

(*2*) No fee shall be paid on the application for, or on the issue of, the license required by sub-section (*1*)."

ACT No. XIX OF 1895.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 19th October, 1895.)

An Act to amend the Punjab Courts Act, 1884.

XVIII of 1884.

WHEREAS it is expedient to amend the Punjab Courts Act, 1884; It is hereby enacted as follows:—

Addition to section 4, Act XVIII, 1884.

1. To section 4 of the Punjab Courts Act, 1884, the following paragraph shall be added, namely:—

"The Governor General in Council may in his discretion, from time to time, appoint one of the Judges of the Court to be the Chief Judge, and may, during any vacancy of the office of Chief Judge, and during any absence of the Chief Judge, appoint one of the other Judges of the Court to perform the duties of Chief Judge until a new Chief Judge has been appointed and has entered upon the discharge of the duties of his office, or until the Chief Judge has returned from such absence, as the case may be."

Substitution of new section for section 5, Act XVIII, 1884.

2. For section 5 of the said Act the following section shall be substituted, namely:—

Rank and precedence of Chief Judge and Judges of Chief Court.

"5. (*1*) The Chief Judge (if any), whether permanent or officiating, shall have rank and precedence before the other Judges of the Court.

(*2*) Save as aforesaid, the Judges shall have rank and precedence according to the seniority of their appointments as such Judges: except that a Judge permanently appointed shall be deemed to be senior to, and shall have rank and precedence before, an officiating Judge.

(*3*) In

(*3*) In the construction of this Act the expression 'the Senior Judge' shall mean the Judge for the time being entitled to the first place in rank and precedence."

ACT No. XX OF 1895.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 19th October, 1895.)

An Act to incapacitate *ex*-King Thebaw from binding himself by contract so as to give rise to any enforceable pecuniary obligation and to provide for an inquiry into his present state of indebtedness.

WHEREAS it is expedient to render Thebaw, formerly King of Burma, and now a State prisoner at Ratnagiri in the Presidency of Bombay (hereinafter called *ex*-King Thebaw), henceforth incapable of binding himself by contract so as to give rise to any enforceable pecuniary obligation;

And whereas divers pecuniary claims have been brought against *ex*-King Thebaw and the validity and amounts of the said claims or some of them are contested on his behalf;

And whereas *ex*-King Thebaw is possessed of certain moveable property and it is expedient that the same should be made available for the payment of the said claimants to the extent and in the manner hereinafter appearing;

It is hereby enacted as follows :—

1. This Act may be called *ex*-King Thebaw's Act, 1895. Title, extent and commencement.

(*2*) It extends to all persons and places for whom and for which the Governor General in Council has power to make laws; and

(*3*) It shall come into force at once.

2. *Ex*-King Thebaw shall henceforth be incapable *Ex*-King Thebaw to

be henceforth incapable of contracting.

able of entering into any contract so as to give rise to any pecuniary obligation on his part.

Power to appoint Committee.

3. (*1*) The Governor General in Council may nominate and appoint such person or persons as he may think fit to be a Commissioner or Commissioners for the purposes hereinafter mentioned.

(*2*) The person or persons so nominated and appointed (hereinafter called "the Committee") shall continue to act as such during the pleasure of the Governor General in Council, and shall hold his or their sittings at such place or places and time or times as may seem to him or them fit.

Notice to claimants.

4. The Committee shall publish thrice in the Gazette of India in English, and in the Bombay Government Gazette in English and in such other mode and languages as may seem to it fit, a notice inviting all persons having claims against *ex*-King Thebaw or his property to notify the same in writing to the Committee within six months from the date of the earliest of such publications.

Presentation of claims.

5. (*1*) Every person notifying any claim in accordance with the said notice shall along with his claim present full particulars thereof.

(*2*) Every document relied upon as the foundation of, or as evidence in support of, any such claim shall be delivered to the Committee along with such claim.

(*3*) If any such document be an entry in any book, the claimant shall produce the book before the Committee, together with a copy of the entry on which he relies. The Committee shall mark the book for the purpose of identification, and, after examining and comparing the copy with the original, shall return the book to the claimant.

(*4*) If any document in the possession or under the control of any claimant is not delivered or produced by him to the Committee along with the claim, the Committee may refuse to receive such document in evidence on the claimant's behalf at the inquiry into the claim.

(*5*) The

(*5*) The Committee may, from time to time, call for further and more detailed particulars of any claim preferred under this Act, and may at its discretion refuse to proceed with the inquiry into the claim until such particulars are supplied.

Considera-tion of claims.

6. (*1*) The Committee shall consider all claims (if any) presented under section 5 and shall make due and full inquiry in respect thereof and shall certify the result of such inquiry as hereinafter mentioned.

(*2*) Every inquiry under this Act shall be conducted, as far as may conveniently be, as though it were a suit duly instituted in a Court of competent jurisdiction for the recovery of the debt claimed and the Committee were the Judge of such Court.

XIV of 1882.

(*3*) All the provisions of the Code of Civil Procedure applicable to such a suit shall, as far as may conveniently be, apply to every such inquiry, and the Committee shall have all the powers and authority of a Judge of a Civil Court in respect thereof.

(*4*) Every inquiry conducted by the Committee with reference to any claim preferred under this Act, or to any matter connected with any such claim, shall be deemed a judicial proceeding within the meaning

XLV of 1860.

of the Indian Penal Code, and every statement made by any person examined by or before the Committee with reference to such inquiry, whether upon oath or otherwise, shall be deemed to be evidence within the meaning of the same Code.

Considera-tion of claims and award.

7. (*1*) The Committee shall as the result of such inquiry, or by agreement with each claimant, determine the amount which, in its opinion after consideration of all the circumstances, ought in fairness and justice to be awarded to each claimant.

(*2*) In coming to such determination the Committee shall not be bound by any previous agreement or judicial proceeding.

(*3*) The Committee shall in each case certify the amount of the award determined under this section to the Governor General in Council.

(*4*) No

(*4*) No appeal against any such certificate, or the amount of the award thereby certified, shall lie to any Court or other authority whatsoever:

Provided that the Governor General in Council may, for reasons to be stated in the order, refer back any award to the Committee for re-consideration in respect of any particular question or questions.

Bar of suits.

8. No creditor of *ex*-King Thebaw who has presented a claim to the Committee under this Act and supported it by evidence before the Committee, shall be capable of instituting or maintaining any suit or other proceeding against *ex*-King Thebaw or his property in respect of the debt which was the subject of such claim, except in accordance with the proviso in that behalf hereinafter contained.

Satisfaction of claims.

9. (*1*) The Governor General in Council may, at any time within six months from the date of any such certificate as aforesaid, pay or tender to the claimant the amount so certified, and thereupon all claims of the claimant against *ex*-King Thebaw or his property in respect of the debt referred to in such certificate shall be satisfied and extinguished:

Provided that the Governor General in Council may, by notification in the Gazette of India, extend the said term of six months to such date as may be found necessary to enable the Committee to make a final and complete award on all the claims presented to it.

(*2*) If the Governor General in Council shall pay or tender to any claimant the amount of any such award as aforesaid, the property of *ex*-King Thebaw shall thereupon, to the extent in value of the sum so paid, vest in the Secretary of State for India in Council on behalf of Her Majesty, Her heirs and successors.

Procedure where amount of awards is likely to exceed value of moveable property.

10. (*1*) If the total amount of the awards so certified as aforesaid appears to the Governor General in Council to be likely to exceed the value of the whole of the said moveable property of *ex*-King Thebaw, the Governor General in Council may cause the

the said property to be valued in such manner as he may think fit, and thereupon the whole of the said property shall vest in the Secretary of State for India in Council on behalf of Her Majesty, Her heirs and successors.

(*2*) If the Governor General in Council causes the provisions of sub-section (*1*) to be put in operation, and the amount of such valuation as aforesaid, after deducting the expenses thereof, equals or exceeds the total amount of such awards as aforesaid, he shall pay to the several claimants the amounts awarded to them respectively and shall pay the surplus (if any) to *ex*-King Thebaw or his assigns.

(*3*) If the amount of such valuation as aforesaid after deducting the expenses thereof falls short of the total amount of such awards as aforesaid, the Governor General in Council shall distribute the amount of the said valuation among the claimants rateably in proportion to the awards obtained by them respectively, and thereupon all claims of all such claimants against *ex*-King Thebaw or his property in respect of all such debts as aforesaid shall be satisfied and extinguished.

Saving of Secretary of State in Council.

11. Nothing herein contained shall be construed to render the Secretary of State for India in Council, or the Governor General in Council, liable to pay the amount awarded to any such claimant, or any debt heretofore contracted by, or on behalf of, *ex*-King Thebaw, or liable in respect of any claim which may be made by any person to be reimbursed for supplying him with necessaries:

Provided that, if the Governor General in Council shall decline to cause the provisions of section 10 to be put in operation, any creditor of *ex*-King Thebaw who has obtained such an award as aforesaid and to whom the amount of such award has not been paid or tendered within six months after the date of his certificate, or on or before such later date as may have been appointed under section 9, sub-section (*1*), may institute and maintain such suit or other proceeding

ceeding as he may be advised against *ex*-King Thebaw and his property for the recovery of the amount awarded to him or otherwise for the purpose of enforcing the performance of the award, but not for any other purpose connected with such claim.

Bar of suit for acts done *bonâ fide* under this Act.

12. No suit or other proceeding shall be maintained against any person in respect of anything done by him in good faith under this Act.

ACT No. XXI OF 1895.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 19th October, 1895.)

An Act to amend the Upper Burma Laws Act, 1886, and the Shan States Act, 1888.

XX of 1886. XV of 1888. WHEREAS it is expedient to amend the Upper Burma Laws Act, 1886, and the Shan States Act, 1888; It is hereby enacted as follows:—

Amendment of section 8, Act XX, 1886.

XX of 1886. 1. In section 8, sub-section (*1*), of the Upper Burma Laws Act, 1886, after the words "Shan States" and "those States," respectively, the words "or any specified local area therein" shall be added.

Amendment of section 5, Act XV, 1888.

XV of 1888. 2. In section 5 of the Shan States Act, 1888, after the words "Shan State" the words "or any specified local area therein" shall be added.

G. I. C. P. O.—No. 38 L. D.—2-1-96.—100.—A. McL.

INDEX

TO THE

ACTS PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL IN THE YEAR 1895.

	Act.	Section.
ACCOUNTS—		
penalty for falsification of,	III	4 [XLV of 1860, s. 477 A.]
ACT V OF 1861 (POLICE)—		
repealed in part and amended	VIII	1—15
scope of,	"	15 [V of 1861, s. 46.]
section 46 : saving of orders issued under,	"	16
ACT XLV OF 1860 (THE INDIAN PENAL CODE)—		
amended	III	1—4
sections 64 to 70 applied to recovery of penalties and fines imposed by Magistrates under Police Act	VIII	14 [V of 1861, s. 37.]
offences for which whipping may be awarded in lieu of other punishment prescribed by,	III	5 [VI of 1864, s. 2.]
" " " added to other punishment prescribed by,	"	5 [VI of 1864, s. 3.]
" " " awarded in addition to other punishment prescribed by,	"	5 [VI of 1864, s. 4.]
enquiries conducted with reference to any claim against *ex*-King Thebaw to be deemed a judicial proceeding	XX	6 (*4*)
ACT VI OF 1864 (WHIPPING)—		
amended	III	5, 6
ACT XIV OF 1866 (THE INDIAN POST-OFFICE ACT, 1866)—		
amended	"	7
ACT I OF 1868 (THE GENERAL CLAUSES ACT, 1868)—		
application of definition of "High Court" contained in,	XII	3 (*2*)
ACT IV OF 1872 (THE PUNJAB LAWS ACT, 1872)—		
repealed in part and amended	VII	3, 4

[*Price three annas and six pies.*]

	Act.	Section.
Act XV of 1872 (The Indian Christian Marriage Act, 1872)—		
records of certain irregular marriages deposited in compliance with, declared valid	XVII	3
Act XV of 1877 (The Indian Limitation Act, 1877)—		
application of, in case of return of plaint by Presidency Small Cause Court	I	9 [XV of 1882, s. 19 A.]
Act XVII of 1879 (The Dekkhan Agriculturists' Relief Act, 1879) as amended by subsequent Acts—		
combined short title of,	VI	1 (1)
repealed in part and amended	"	2—18
Act XVIII of 1879 (The Legal Practitioners Act, 1879)—		
section 6: Presidency Small Cause Courts to be subordinate to High Court within meaning of,	1	2 [XV of 1882, s. 6.]
Act V of 1880 (The Burma Boundaries Act, 1880)—		
repealed in part and amended	II	2—6
Act IV of 1882 (The Transfer of Property Act, 1882)—		
not to apply to Crown-grants	XV	2
Act VI of 1882 (The Indian Companies Act, 1882)—		
"Railway Company" defined by reference to,	X	2 (3)
sections 3 to 10 of the Indian Companies (Memorandum of Association) Act to be read with and taken as part of,	XII	2
power of Company registered under, to alter objects or form of constitution	"	4
section 65 amended	"	11
Act X of 1882 (The Code of Criminal Procedure, 1882)—		
section 366 amended	IV	1
section 371 amended	"	2
sections 386 and 387 applied to the recovery of moneys payable under Police Act	VIII	6 [V of 1861, s. 16.]
sections 386 to 389 applied to the recovery of penalties and fines imposed by Magistrates under Police Act	"	14 [V of 1861, s. 37.]
section 525 applied to unclaimed property taken charge of by police officers	"	7 [V of 1861, s. 26.]
Act XIV of 1882 (The Code of Civil Procedure)—		
applied to enquiries made on claims presented against *ex*-King Thebaw or his property	XX	6 (3)
section 39 amended	VII	1

	Act.	Section.
Act XVI of 1882 (The Code of Civil Procedure)—*contd.*		
section 57: Presidency Small Cause Courts to comply with provisions of, when returning plaint.	I	9 [XV of 1882, s. 19 A.]
section 110: affidavits of defendants for removal of suit from Presidency Small Cause Court to High Court to be treated as written statements tendered under, . . .	I	13 [XV of 1882, s. 40.]
section 180 amended	VII	2
section 258: application of, barred	VI	16 [XVII of 1879, s. 71.]
section 522: no new trial to be held in case of decree by Presidency Small Cause Court under, .	I	13 [XV of 1882, s. 38.]
section 632 amended	XIII	1
section 652 amended	"	2
Act XV of 1882 (The Presidency Small Cause Courts Act, 1882)—		
repealed in part and amended	I	2—13
Act XVIII of 1884 (The Punjab Courts Act, 1884)—		
sections 4 and 5 amended	XIX	1, 2
Act XX of 1886 (The Upper Burma Laws Act, 1886)—		
section 8 amended	XXI	1
Act X of 1887 (The Native Passenger Ships Act, 1887)—		
repealed so far as regards pilgrim ships . . .	XIV	4
temporary continuance of rules issued under, . .	"	59
Act XV of 1888 (The Shan States Act, 1888)—		
section 5 amended	XXI	2
Act III of 1889 (The Lower Burma Village Act, 1889)—		
amended	XVIII	1, 2, 3
Act XIII of 1889 (The Cantonments Act, 1889)—		
section 26 amended	V	2
Act IX of 1890 (The Indian Railways Act, 1890)—		
section 3, clause (4): application of definition of "railway" contained in, ...	X	2 (*l*)
Act IX of 1892 (The Lower Burma Towns Act, 1892)—		
amended	XVIII	4, 5
Acts—		
repeal of certain, relating to Bombay . . .	XVI	
Advocate—		
of High Court eligible for appointment as Judge of Presidency Small Cause Court	I	3 [XV of 1882, s. 7.]
of the Chief Court of the Punjab not required to produce power	VII	1 (*l*)

	Act.	Section.
ASSIGNEE OF GOVERNMENT ASSESSMENT—		
is not an "agriculturist"	VI	5 [XVII of 1879, s. 2.]
ATTORNEY—		
of High Court eligible for appointment as Judge of Presidency Small Cause Court	I	3 [XV of 1882, s. 7.]
BOMBAY ACTS—		
repeal and amendment of certain, ...	XVI	
BOMBAY REGULATIONS—		
repeal and amendment of certain, ...	"	
BURMA BOUNDARIES ACT, 1880—		
See Act V of 1880.		
CANTONMENTS—		
women not to be subjected to compulsory or periodical examination in, ...	V	2 [XIII of 1889, s. 26, proviso.]
licensing or registering prostitutes in, prohibited . .	"	"
CANTONMENTS ACT, 1889—		
See Act XIII of 1889.		
CERTIFICATES OF POLICE OFFICERS—		
section 8 of Act V of 1861, with respect to, amended .	VIII	3
CHIEF COURT, PUNJAB—		
appointment of Chief Judge	XIX	1 [XVIII of 1884, s. 4.]
rank and precedence of Chief Judge and Judges of, .	"	2 [XVIII of 1884, s. 5.]
CODE OF CIVIL PROCEDURE—		
See Act XIV of 1882.		
CODE OF CRIMINAL PROCEDURE, 1882—		
See Act X of 1882.		
COMPANIES—		
powers given to, to make certain alterations in the instruments under which they are constituted . . .	XII	
COMPENSATION—		
awardable to sufferers from misconduct of inhabitants or persons interested in land	VIII	5 [V of 1861, s. 15A.]
CONFISCATION—		
of property, if no claimant appears	"	8 [V of 1861, s. 27.]
CRIMINAL COURT OF ORIGINAL JURISDICTION—		
mode of delivering judgments in trials in, . . .	IV	1 [X of 1882, s. 366.]

	Act.	Section.
CROWN GRANTS—		
Transfer of Property Act, IV of 1882, not applicable to, to take effect according to their tenor notwithstanding anything to the contrary in any rule of law, statute or enactment of the Legislature	XV	2
	,,	3
CROWN GRANTS ACT, 1895	XV	
DEFINITIONS—		
See Words and Phrases.		
DEKKHAN AGRICULTURISTS' RELIEF ACT, 1879—		
See Act XVII of 1879.		
DISTRICT MAGISTRATES—		
powers conferred on, in relation to the surrender of fugitive criminals	IX	2
DISTURBED OR DANGEROUS DISTRICTS—		
quartering of additional police in,	VIII	4 [V of 1861, s. 15.]
ENACTMENTS—		
repeal and amendment of certain, relating to Bombay	XVI	
ERECTION—		
of boundary or other marks	II	5 [V of 1880, s. 28.]
Ex-KING THEBAW'S ACT, 1895	XX	
EXTRADITION (INDIA) ACT, 1895	IX	
FALSE INFORMATION—		
furnished to public servant with intent to cause him to use his power to injury of another	III	1 [XLV of 1860, s. 82.]
FUGITIVE CRIMINALS—		
powers conferred on Presidency Magistrates and District Magistrates in relation to the surrender of,	IX	2
GOVERNMENT—		
proceeds of unclaimed property to be at disposal of,	VIII	8 [V of 1861, s. 27.]
GOVERNOR GENERAL IN COUNCIL—		
previous sanction of, required to republication of rules and circulars issued under Punjab Laws Act, 1872	VII	4 [IV of 1872, s. 51.]
HIGH COURTS—		
power of, to makes rules for regulating their own procedure in exercise of their original civil jurisdiction	XIII	2 [XIV of 1882, s. 652.]

	Act.	Section.
INDIAN COMPANIES (MEMORANDUM OF ASSOCIATION) ACT, 1895	XII	
INDIAN LIMITATION ACT, 1877— *See* Act XV of 1877.		
INDIAN PENAL CODE— *See* Act XLV of 1860.		
INDIAN POST-OFFICE ACT, 1866— *See* Act XIV of 1866.		
INDIAN RAILWAY COMPANIES ACT, 1895	X	
JUDGMENTS— in trials in Criminal Courts, how to be delivered	IV	1 [X of 1882, s. 366.]
LEGAL PRACTITIONERS ACT, 1879— *See* Act XVIII of 1879.		
LOWER BURMA TOWNS ACT, 1892— *See* Act IX of 1892.		
LOWER BURMA VILLAGE ACT, 1889— *See* Act III of 1889.		
MARRIAGES— validation of certain irregular marriages solemnized in the Civil and Military Station of Bangalore	XVII	2
MINOR PUNISHMENTT— liability of Police officers to,	VIII	2 [V of 1861, s. 7.]
MORTGAGEE — is not an "agriculturist"	VI	5 [XVII of 1879, s 2.]
OBSCENITY— penalty for doing obscene acts, or singing, reciting or uttering obscene songs, ballad or words	III	3 [XLV of 1860, s. 294.]
OBSOLETE ENACTMENTS— repeal of certain, relating to Bombay	XVI	
PENALTY— for failure to discharge duty imposed or for refusing or neglecting to comply with orders or notice issued under Burma Boundaries Act, 1880	II	6 [V of 1880, s. 30.]
for giving false information to public servant	III	1 [XLV of 1860, s. 182.]
for making, etc., fictitious stamps	III	2 [XLV of 1860, s. 263 A.]

	Act.	Section.
Penalty—*contd.*		
for doing obscene acts, or singing, reciting or uttering obscene songs, ballad or words	III	3 [XLV of 1860, s. 294.]
for falsification of accounts	„	4 [XLV of 1860, s. 477 A.]
for holding, promoting or taking part in unlicensed *pwèe*	XVIII „	2 [III of 1889, s. 13 A.] 5 [IX of 1892, s. 7 A.]
Pilgrim ships—		
rules for voyages of,	XIV	7—36
provisions regarding penalties	„	37—50
„ „ procedure	„	51—55
supplemental provisions	„	56—60
Plaint—		
return of, by Presidency Small Cause Court, for want of jurisdiction	I	9 [XV of 1882, s. 19A.]
Plaintiff—		
may abandon suit against defendant resident out of jurisdiction of Presidency Small Cause Court	I	8 [XV of 1882, s. 18A.]
Police—		
See Act V of 1861.		
Police officers—		
liable to minor punishments for discharging duty in careless or negligent manner	VIII	2 [V of 1861, s 7.]
surrender of certificates of,	„	3 [V of 1861,
suspension of,		s. 8.]
Post-office—		
powers of, in case of articles bearing fictitious or previously used stamps	III	7 [XIV of 1866, s. 66.]
Postage stamps—		
powers of post-office in case of articles bearing fictitious or previously used,	III	7 [XIV of 1866, s. 66.]
Presidency Magistrates—		
powers conferred on, in relation to the surrender of fugitive criminals	IX	2

	Act.	Section.
PRESIDENCY SMALL CAUSE COURTS—		
persons who are eligible for appointment as Judges of,	I	3 [XV of 1882, s. 7.]
appointment of person to perform duties of absent Judge	„	4 [XV of 1882, s. 8 A.]
procedure and practice of,	„	5 [XV of 1882, s. 9.]
plaintiff may abandon suit against defendant resident out of jurisdiction	„	8 [XV of 1882, s. 18 A.]
may return plaint for want of jurisdiction	„	9 [XV of 1882, s. 19 A.]
new trials and appeals	„	13 [XV of 1882, Ch. VI.]
PRESIDENCY SMALL CAUSE COURTS ACT, 1882— *See* Act XV of 1882.		
PROCESSIONS—		
regulating and licensing of,	VIII	10 [V of 1861, s. 30.]
powers with regard to,	„	11 [V of 1861, s. 30 A.]
PROSTITUTION—		
women not to be subjected to compulsory or periodical examination, nor to be licensed or registered for purposes of, in cantonments	V	2 [XIII of 1889, s. 26, proviso.]
PUBLIC ASSEMBLIES—		
regulating and licensing of,	VIII	10 [V of 1861, s. 30.]
powers with regard to,	„	11 [V of 1861, s. 30 A.]
PUBLIC SERVANT—		
giving false information to, with intent to cause him to use his power to injure any person	III	1 [XLV of 1860, c. 182.]
PUNJAB LAWS ACT, 1872— *See* Act IV of 1872.		
PWÈS—		
penalty for holding, promoting or taking part in unlicensed,	XVIII „	2 [III of 1889, s. 13 A.] 5 [IX of 1892, s. 7 A.]

	Act.	Section.
QUARTERING OF ADDITIONAL POLICE—		
in disturbed or dangerous districts	VIII	4 [V of 1861, s. 15.]
RAILWAY COMPANY—		
payment by, of interest out of capital . . .	X	3, 4
notice by, in prospectus and other documents of power to pay interest	,,	5
accounts of, to be shown after payment of interest .	,,	6
construction of borrowing powers of, . . .	,,	7
RECORDS—		
validation of records of certain irregular marriages solemnized in Civil and Military Station of Bangalore	XVII	3
REGULATIONS MADE UNDER 33 VICT., C. 3—		
repeal in part of certain, relating to Bombay . .	XVI	Schedule I.
REPEALING AND AMENDING ACT, 1895	XVI	
REPUBLICATION—		
of rules and orders under Punjab Laws Act, 1872 .	VII	4 [IV of 1872, s. 51.]
RULES AND ORDERS UNDER PUNJAB LAWS ACT, 1872—		
republication of, ...	,,	,,
SHAN STATES ACT, 1888—		
See Act XV of 1888.		
SHIPS—		
See Pilgrim Ships.		
STAMPS—		
penalty for making, etc., fictitious, ...	III	2 [XLV of 1860, s. 263 A.]
STATUTE 24 AND 25 VICT., C. 104 (HIGH COURTS OF JUDICATURE)—		
Advocates, vakils or attorneys of High Courts established under, eligible for appointment as Judges of Presidency Small Cause Courts	I	3 [XV of 1882, s. 7, proviso.]
STATUTE 33 AND 34 VICT., C. 52 (EXTRADITION)—		
vesting in Presidency Magistrates and District Magistrates of powers in relation to the surrender of fugitive criminals under, ...	IX	2
SURVEY OFFICERS—		
powers which may be conferred on, ...	II	5 [V of 1880, s. 28.]
SUSPENSION OF POLICE OFFICERS—		
section 8 of Act V of 1861 with respect to, amended .	VIII	3

	Act.	Section.
UNCLAIMED PROPERTY—		
confiscation of, ...	VIII	8 [V of 1861, s. 27.]
UPPER BURMA LAWS ACT, 1886—		
See Act XX of 1886.		
VALIDATION—		
of certain proceedings and acts of certain officers in the Pegu and Tennasserim Divisions	XI	1
of certain irregular marriages solemnized in the Civil and Military Station of Bangalore . . .	XVII	2
VILLAGE OFFICERS—		
duties of, as to boundary marks	II	5 [V of 1880, s. 23 A.]
WHIPPING—		
amendment of law as to, ...	III	5 [VI of 1864, ss. 2, 3, 4.]
WHIPPING ACT—		
See Act VI of 1864.		
WORDS AND PHRASES DEFINED—		
Agriculturist	VI	5 [XVII of 1879, s. 2.]
Chapter	VI	2
Chief Customs officer	XIV	5 (*4*)
Deed of settlement	XII	3 (*1*)
District Superintendent	VIII	1
District Superintendent of Police	VIII	1
Fictitious stamp	III	2 [XLV of 1860, s. 263 A (*3*).]
Government	III	2 [XLV of 1860, s. 263 A (*4*).]
High Court	XII	3 (*2*)
Inhabitants	VIII	4 [V of 1861, s. 15, Explanation.]
Juvenile offender	III	6 [VI of 1864, s. 5.]
Lease	VI	5 [XVII of 1879, s. 2.]
Magistrate	XIV	5 (*5*)
Money	VI	5 [XVII of 1879, s. 2.]
Pilgrim	XIV	5 (*1*)
Pilgrim ship	„	5 (*2*)
Pilgrim of the lowest class	„	5 (*2*), Explanation.
Postage-stamp	III	7 [XIV of 1866, s. 66 (*4*).]

	Act.	Section.
WORDS AND PHRASES DEFINED—*contd.*		
Prescribed	XIV	5 (*6*)
Railway	X	2 (*1*), (*2*)
Railway Company	,,	2 (*3*)
Section	VI	2
Senior Judge	XIX	2 [XVIII of 1884, s. 5 (*3*).]
Standing crops	VI	5 [XVII of 1879, s. 2.]
Survey-mark	II	3 [V of 1880, s. 1A.]
Unlawful assembly	VIII	11 [V of 1861, s. 30 A (*2*).]
Voyage	XIV	5 (*3*)

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